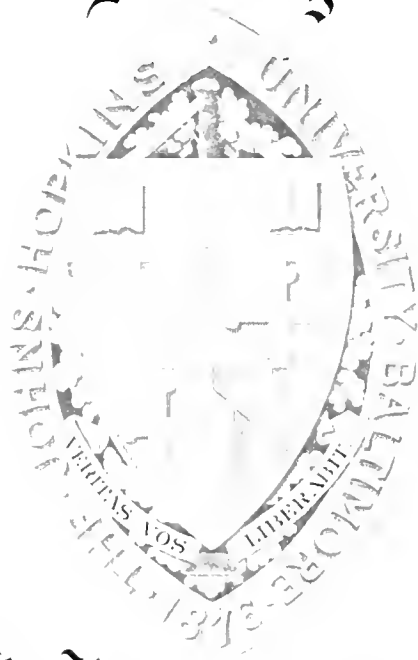
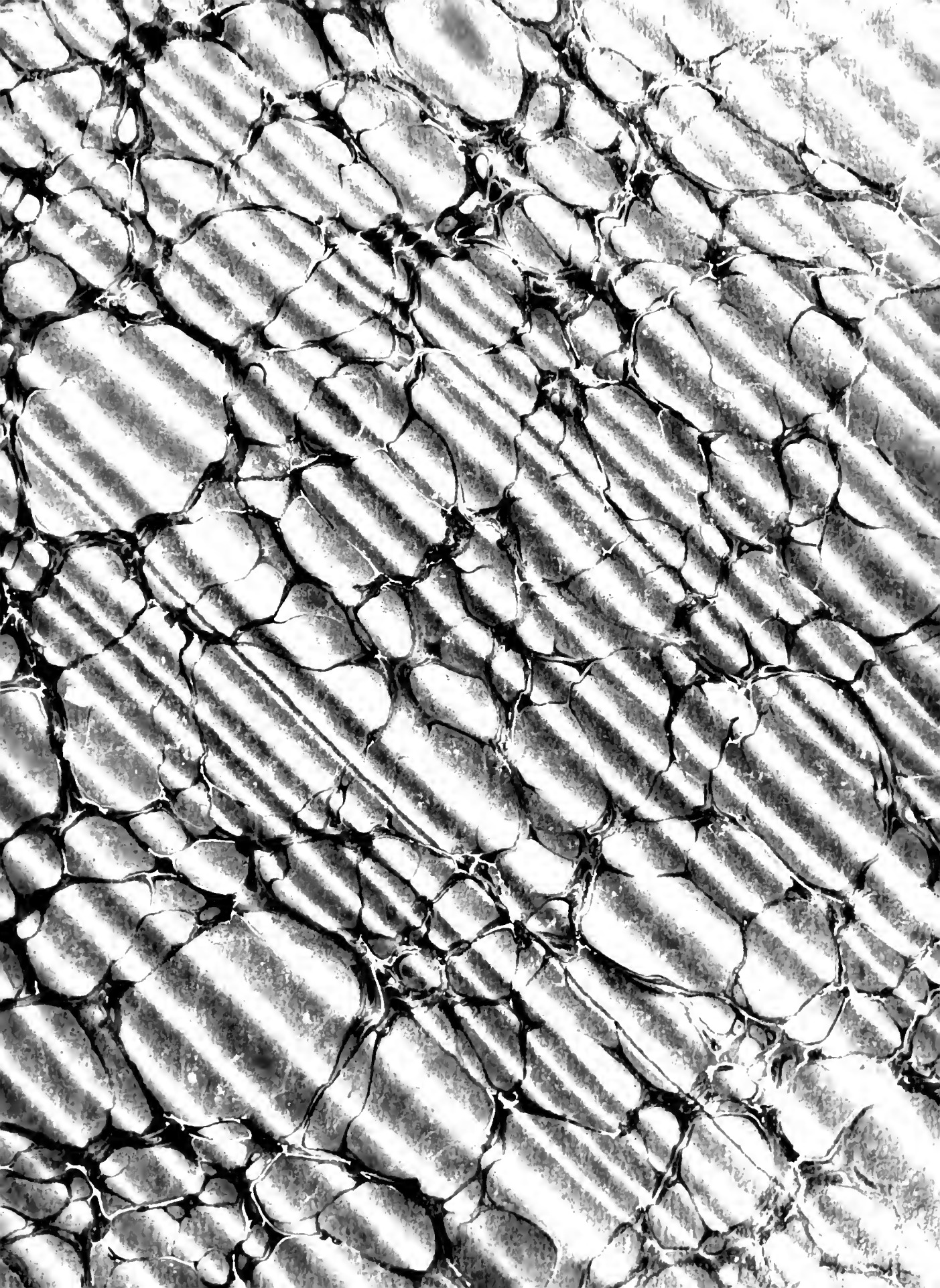


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STATE RIGHTS AND POLITICAL PARTIES IN  
NORTH CAROLINA: 1776-1861.

Dissertation

Submitted to the Board of University Studies of the Johns Hopkins University in conformity with the requirements for the Degree of Doctor of Philosophy.

by

Henry McGilbert Wagstaff.

1906.



## Preface.

This study was undertaken with the earnest desire to make some contribution, however slight, to the history of the native state of the writer. The political tendencies of North Carolinians between the War of Independence and the War of Secession have been set forth with as much clearness as the writer has been able to discern them. It is hoped that the monograph will serve as one block in the edifice which some future historian will erect when neither memory nor tradition can warp the truth in the story of Southern Secession.

A friend of the writer, Dr. John P. Hollis of South Carolina, now of the Bureau of Corporations, Washington, D.C., suggested the subject of the study. Grateful acknowledgment and thanks are especially due to Associate Professor James Curtis Ballagh, of the Johns Hopkins University, both for a careful and painstaking reading of the manuscript and for many helpful suggestions and criticisms. The kindly interest of Professor John Martin Vincent, Director of the Department of History at the Johns Hopkins University has been very helpful. Miss Mary Theresa Dallam of Baltimore kindly read the manuscript and aided in corrections. The



Writer wishes further to express his appreciation of the courtesy and unfailing patience with which Mr. Miles O. Sherrill, North Carolina State Librarian, placed the resources of the Library at his command and added much to the pleasure of his work in Raleigh.

H. M. Wagstaff.

Baltimore, Maryland.

June, 1906.



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# FIRST YEARS OF INDEPENDENCE: UNION.

## ----- Chapter 1.

In April 1775 the threatening aspect of the political situation in the province of North Carolina caused Josiah Martin, the royal governor, to take refuge under the guns of a British man-of-war lying in the Cape Fear River. From this date North Carolina was one year and a half without a constitution. Governmental authority was exercised during this period by the provincial council acting under the authority of a provincial congress which had convened soon after the governor's flight. At the call of the provincial council a second congress met in April, 1776. Together with its duty of providing ways and means for prosecuting the war, this body was expected to form a constitution. Though two parties were rapidly taking form among the patriots upon the subject of the constitution, public opinion was not yet clearly expressed in principles.

Those who inclined towards a government of democratic type, with every department subject to the will of the people, gradually gathered into one camp under the leadership of Willie Jones. Others counseled conservatism in departing from old forms and wish the constitution to provide

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(1) Journal of this congress is in N.C. Colonial Records, x, 164-220.



a government further removed from popular influence. (1) The conservatives recognized Samuel Johnston as the chief exponent of their principles. The relative strength of these two parties in the April congress is unknown. Neither was fully formed and ready for action. "Certain resolutions proposed as a foundation for a temporary civil constitution" (2) were deferred from time to time without their contents being spread upon the journal. No action was had beyond this. The matter was left over for a future congress. But the delegates had been unanimous in voting to instruct the delegates of the colony in the Continental Congress to concur with the delegates of the other colonies in a declaration of independence. (3) Three months later the Philadelphia Declaration reached Halifax, then the Seat of government in North Carolina, and was publically read to a very large assembly of patriots gathered for the interesting ceremony. (4)

A third congress was now called to meet in November and form a constitution for the independent state. The election of delegates to this congress developed warm partisanship between the radical and conservative factions. (5)

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(1) Cf. Jo. Seawall Jones, Defence of North Carolina, 270.

(2) Journal, N.C. Colonial Records, I, 545, 547.

(3) Ibid., X., 512.

(4) Jones, Defence of North Carolina, 269.

(5) Ibid., 283.





The latter were distanced by their opponents. Samuel Johnston, the most prominent conservative leader, was defeated in his county for a seat in the congress and attended only as a lobbyist. Willie Jones was chosen as borough member from Halifax, the seat of the congress. Each of the thirty-five counties sent up five delegates and nine boroughs one each.

The Halifax Congress organized on the 12th of November by the choice of Richard Caswell as president. Caswell was fresh from the scene of his victory (1) over the Highlanders at Moores' Creek in the Cape Fear county and his popularity was attested by the unanimous vote he received (2) for presiding officer. On the second day a committee was appointed to draft a bill of rights and a constitution. Willie Jones was on this committee as well as the second leading radical in the state, Thomas Person. Popularizing influences early manifested themselves in the Congress. A motion (3) was passed that for the future all questions should be determined by voice instead of by counties and

towns, as formerly. An act of allegiance to the "independ-

(1) The battle of Moore's Creek was fought in Feb., 1776 between the revolutionary provincial forces under the command of Caswell and the Scotch Highlanders who had risen in favor of King George.

(2) Journal of the Halifax Congress, N.C.Col.Rec. X., 915.

(3) Journal, N.C.Col. Rec. X., 917.



ent State of North Carolina and to the Powers and Authorities which may be established for the good government thereof,"<sup>(1)</sup> was provided for enforcement upon citizens like-warm to the revolution. The budding spirit of State nationalism had its expression in the appeal of the Congress to the law of nations in its demand upon Massachusetts for the return of a North Carolina brig, laden with salt, wine, and Jesuit bark from Cadiz, Spain, siezed by a privateer<sup>(2)</sup> out of Boston. The work of constitution-making went on amid such characteristically democratic proceedings as: "On motion, ordered, that sundry horses and a chariot, the property of the late Governor Martin, be sold for ready money on Monday next at 4 o'clock in the afternoon, in the town of Halifax, and that the proceeds of sale be paid into<sup>(3)</sup> the Treasury of this Province".

The bill of rights brought forward by the Committee consisted of twenty-five articles which enumerated the usual guarantees of English liberty, such as freedom of conscience, freedom of the press, trial by jury, etc. and declared the people the sole and exclusive source of government, enjoining a frequent recurrence to fundamental principles.

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(1) Journal, N.C. Col. Rec., X., 920.  
 (2) Ibid., 996.  
 (3) Ibid., 920.



It was in the constitutional document proper that the popular party proposed to enthrone democracy. Yet the completed instrument indicated the extremely mild form of radicalism prevalent at that date. Many features indeed showed the ear-marks of compromise. Legislative authority was vested in a biennial assembly annually elected by the people under certain restrictions. The judicial and executive branches of the government were to an extent subordinated to the legislative branch through the power given the assembly to elect both the governor and the judges of the various courts. Likewise nearly all other officers including an attorney general, treasurer, councillors of state, generals and field officers of the militia and the regular army, were to be elected by the two houses. The theory was that through annual elections the assembly would be directly under the control of the people and reflect their will. But the franchise was so hedged about that even this tempered concession to democracy was partially negatived.

A state senator had to possess three hundred acres

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(1) N. C. Col. Rec. X., 1003. This Bill of Rights was declared a part of the constitution by the 44th Article of the later document.

(2) The justices of the peace in the respective counties were likewise to be classed by the assembly and commissioned by the governor (Art. 33). Though not provided in the Constitution the county sheriffs were also elected by the Assembly.



in fee. To vote for a senator a freehold qualification of fifty acres was necessary. To vote for a commoner only the  
 (1)  
 payment of public taxes was required. Evidently there was small reason for Johnston's querulous complaint "I am in great pain for the honor of the province " he wrote. "Every one who has the least pretensions to be a gentleman is suspected and come down per ignobile vulgus - a set of men without reading, experience, or principle to govern them."  
 (2)  
 The Constitution, though certainly not admirable in many respects, bore the impress of sincerity, and though conservative according to present day standards, it satisfied the demands of the radical party of 1776.

There was much need, however, for compromise between the two Whig factions. Stability in the government was essential to the success of the revolutionary party. The internal strife with the Tories was perhaps more bitter in North Carolina than in any other of the American colonies. There were two main causes for this beside the internal and usually wholesome difference of opinion upon political questions, first, the population of North Carolina, viewed as a whole, was composed of non-homogeneous groups. Second, a long period of pre-Revolutionary mismanagement had destroyed the faith of the frontier settlers in the wisdom

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(1) N.C. Constitution of 1776., sections VII. and VIII. Col. Rec. X., 1006.

(2) N.C. Col. Rec. X., 1041. Johnston to Jas. Tregeil, Dec. 9, 1776.





and justice of the rule of the older, more populous, and wealthier seaboard. The overflow from the older seaboard settlements made up a back-country population of hardy English stock which had been unable, up to the Revolutionary period, to induce the eastern or seaboard section to extend to them any share in the provincial government.

The first result of this sectional divergence was the Regulators' War of 1769-1771, which grew directly out of oppressive taxation and an unjust judicial system applied by the East to the back-country. (1) In essence it was a rebellion of the new West against the old East and eastern misrule. The Regulators, who had assumed the administration of justice in the central and western counties according to their own ideals, were crushed by Eastern bayonets under the command of the royal governor, William Tryon. Hence, when the Revolutionary war broke out it was the East rather than the English that many of the old regulators were ready to fight. Their coalition with the great body of Highlanders in the Cape Fear region, who were monarchists by mental inheritance as well as by moral conviction, gave the embryonic state assessor and gave a determined and bloody character to the civil strife carried on through

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(1) For a full treatment of the Regulators' War and its causes see Haywood, Tryon in North Carolina. Also a good sketch in Standers' Introduction to Vol. VIII. of N.C. Col. Records.



out the Revolutionary period. The fires of internecine  
(1)  
warfare burned brightly in the middle counties even while  
the tacit truce existed from 1781 to 1784 between the Con-  
tinental and British forces at New York and Charleston.  
The battle of Moccasin's Creek in February, 1776, between the  
state revolutionary troops and the continental forces of  
the Highlanders and the Regulators, had begun the discom-  
fiture of the Loyalists in North Carolina and the defeat  
(2)  
of Ferguson at King's Mountain in 1780 had completed it.

The struggle between the Loyalists and the patriots  
was so characterized by personal bitterness that even after  
independence of England was assured the memory of past suf-  
ferings and hatred could not be wiped out. The bitterness  
rather deepened for awhile against the defeated faction.

(1)  
The general assembly in 1782 passed an act of wholesale  
confiscation of the property of a long list of Loyalists,  
beginning with Governors Tryon and Martin, and including  
all who were prominent as royal sympathizers. The treaty  
of peace between England and the United States in 1784 was  
careful to provide for rights of return to all fugitive  
Loyalists and for a restitution of their property. But

North Carolina was in no more conciliatory mood toward the

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(1) Washington's Works, Washington to LaFayette, Jan. 2,  
1782.

(2) See Autobiography of Edmund Fanning, the national  
N.C. Tory leader.



defeated losses in 1784 to in 1785. The victors were (1) willing to give up the large amount of confiscated property. The radicals, headed by John Jay and his large majority, were too conscious of the state's individual sovereignty, and too proud of its new-born independence to defer ultimately to the obligations incurred by the Congress of the loosely-jointed Confederation.

A few only were sufficiently imbued with ideas of international honor to enable them to rise above factional hatred. These belonged mainly to the party of Johnston and represented the conservative minority. Among them were Johnston, James Iredell, Alexander McLaine, Wm. R. Davie and Wm. Hooper - each a man of political energy. They watched with jealous care the growth of their party sentiment and deprecated the evident tendency of the radical majority to individualize the state and place its interests paramount to those of the Confederation. It was the conservative party, therefore, which received with eagerness the idea of a reform in the Articles of Confederation. (2) Anarchy not only in international obligations, but in finance, in justice, - and a general failure to realize the blessings that independence seemed to promise the

(1) McKee, II., 93, Iredell to Pierce Butler.

(2) McLaine to Will Hooper, N.C. State Records, XVI., 944.



decided in treaty of peace. The new Republic of 1787  
 a firm belief in all were of the sentiment of a  
 rising strong throughout the country and the new assoc-  
 iation of the states as a means of ending the confused con-  
 dition into which the were falling.

But with the majority in North Carolina the movement  
 for creating an efficient Union, all red force slowly. The  
 party in power by no means inspired of the state or show  
 signs of a loss of faith in independent state democracy.  
 Willie Jones was a personal friend of Thomas Jefferson and  
 possessed even more democratic ideals than the Virginia  
 leader. The fundamental keynote of Jones' position was an  
 independent state democracy administered along fraternal  
 lines and with just so much connection with the other  
 states as to insure peace between them. This spirit of  
 particularism Jones carefully fostered in his party, the  
 members of which, for a number of years, accepted his views  
 as re-elected law.

The general result of this state rights or partic-  
 ularistic spirit was an almost total lack of interest by  
 the majority party in the affairs of the Confederation.  
 State politics absorbed all its interests. Delegates were  
 chosen to Congress but their seats were for the most part  
 vacant. That is at the year 1793 the chairman of Congress





continually urged upon Governor Caswell the importance of

(1)

giving the state represented, and the governor as continually urged the representatives to go forward, but it was

not until June of that year that the first North Carolina delegate arrived in New York. Three delegates arrived in

that month, but almost immediately sought to be relieved by

(2)

other delegates who had not yet attended at all. The idea prevailed that there should be rotation among the state

delegates in the disagreeable task of attending Congress.

In December, 1786 the state was again totally unrepresented.

The lack of sufficient remuneration and the slow methods of transportation, as well as the general want of interest in

Confederation affairs, increased the disinclination to

North

serve in Congress. The salaries of the Carolina delegates

were sixty-four pounds each per month, paid by warrants on

the state treasury in depreciated state paper money. The

depleted state of the treasury often rendered this diffi-

(3)

cult of collection. But, despite the lack of interest man-

ifested by North Carolina and members of the other states,

the American Confederation was now on the eve of a revolution-

ary political change, a change the more wonderful in that

it was so far from being generally welcomed by the thirteen

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(1) N.C. State Records, XVIII., 315, 339, et. seq.

(2) Timothy Bloodworth to Gov. Caswell, Sept. 4, 1786, N.C. Records, XVIII., 734, and Chas. Johnston to Caswell, , 773.

(3) N.C. Records, XVIII., 309. See also the Committee.



Independent Sovereignties affected.

In February, 1786, Governor Caswell received the resolutions of Virginia respecting the appointment of commissioners to meet at Annapolis the following September for the purpose of taking into consideration the trade of the United States and to report on some method of securing unity of action and harmony between their jangling interests. The assembly not being in session Governor Caswell, by the advice of his council, appointed five commissioners<sup>(1)</sup> to attend at the time, place, and for the purpose named. Caswell, who stood in politics midway between the radicals and conservatives, showed an earnest desire that the appointees should attend and urged them to do so. Only one of the number, however, Nath Williamson, made an effort to be present. After some delay by weather and bad travel Williamson reached Annapolis on the 1st of September, the day the Convention adjourned.

Though not having effected its immediate purpose of regulating inter-state trade, the Annapolis Convention served a larger purpose in its recommendations to Congress to call a constitutional convention. Acting upon this recommendation Congress, within the same month, invited the

(1) N.C., State Records XVIII., 10.  
 (2) Ibid., XVIII., 82. Letters to the Commissioners.







complexion of the delegation was entirely changed. Only one radical, ex-Governor Martin, remained among the whole number of five composing the commission.

When the Constitutional Convention held its regular sessions at Philadelphia on the 25th of May, 1787, with George Washington as president, only one of North Carolina's delegation, William R. Davie, had arrived. The remaining

members, however, appeared soon after organization. Great unanimity prevailed among the five throughout the period of the Convention. Martin acted with his colleagues apparently without reference to party affiliation. The delegates were conscious of the importance of the crisis in its probable influence upon the destiny of America. On the

(1)

15th of June the commission wrote to Governor Caswell: "A very large field presents to our view, without a single strait or eligible road that has been trodden by the feet of nations. A Union of Sovereign States, preserving their civil liberties and connected by such ties as to preserve permanent and effective Governments . . . in circumstances that has not occurred in the history of man". The tone of this whole letter shows unequivocally that the precedent had never occurred before and that North Carolina would "vest herself of her rights in the persons of" (1) N.C. State Records, VI., 713.





with the other states.

The language of the original draft of the Constitution of 1776, which provided for a unicameral legislature, was changed to a bicameral one, but the correspondence between the North Carolina delegates and the Continental Congress enabled the delegates to get the better of the state. Governor Caswell wrote, in reply, to Smith: "From the hint you threw out in your first letter I am induced to think that the plan of a National Parliament or Supreme Executive, with adequate powers to the Government of the Union, will be more suitable to our situation than any other; but I should wish also an independent Judicial Department to decide any contest that may happen between the United States and individual states, (1) and between one state and another." Davie wrote James

Isaiah, the ablest advocate of North Carolina, to inquire as to how far the introduction of judicial powers, derived from Congress, would be politically practicable in the state. (2)

As we shall see later, the creation of a federal judiciary was the feature of the Constitution that pleased the people of North Carolina.

(1) N.C. Archives, LX., 75. (2) N.C. Archives, LX., 75. McRee, *Life of North Carolina*, p. 111.



In the Convention, North Carolina, as one of the  
best states, naturally, gave her vote to the more tri-  
angular representation from the first designated rep-  
resentatives in proportion to population as to the House of  
Senate, but finally agreed to equality in the latter in  
recognition that usually bills should originate in the former.  
Where the question of the tenure of choosing senators  
came up Davie insisted on their election by state legisla-  
(1)  
tures. He brought the remainder of the allocation to this  
idea and cast the vote of the state for that method in ad-  
dition to the plan of election by the house from a direct  
vote of the state legislature supported by Massa-  
chusetts, Virginia, and South Carolina. In the discussion  
of this topic Mr. Davie clearly indicated his view of  
(2)  
the nature of the government in process of formation. It  
was, he said, partly federal and partly national: "It must  
in some respects be separate of the states, if it were not  
people. Alexander Hamilton said: "United America must have  
the general interest to be a nation, but the states have pre-  
(3)  
serving the particular interests of the states."

(1) Madison Papers, Supplementary to Elliott's Debates  
on the Federal Constitution, V., 100.  
(2) Ibid., V., 100, 101.  
(3) H.C. Records, Vol. 1, 100. Martin, Memorandum of  
Mr. Martin, October 10, 1787. [The original of this  
document is in the possession of the Library of Congress.]



North Carolina's vote in the convention was cast in support of the Southern demand for three-fifths of the whole number of representatives in the House. In this connection, Davie pointed out that North Carolina would never concede on any terms that it not share the blacks with three-fifths. "If the Eastern States meant, there was," said, "to enclose them altogether, the business was at an end." (1) (2) Williamson held the same view. The North Carolina delegation was lukewarm to the continuation of the slave-trade but voted with South Carolina and Georgia, (3) apparently from a fear that these states would reject the Constitution provided the trade was abolished at once.

In the apportionment of representatives in the lower branch of Congress the Convention allotted only five members to North Carolina. This number just equalled one-thirtieth of the whole number to compose the First Congress. The state's share of the debt of the Confederation had in no year been rated as high as one-thirtieth of the total; therefore, as it is present there seems the apportionment of representatives should mean a corresponding increase in the state's share of the common debt, the

(1) Madison Papers, Vol. 1, Elliott's Debates, V. 301, 471.

(2) Ibid., 303. (3) Ibid., 303.

(4) Ibid., 400. (5) Ibid., 400.



and was the first African American to serve in the  
 (1)  
 General Assembly until the next election. In 1890  
 general census was taken and thereafter 30,000 of  
 population, including three-fifths of the slaves, made up  
 the unit of representation.

When the Convention finished its labors at Raleigh  
 only three members only signed the Constitution for North  
 Carolina: one of these doing so with the expressed reser-  
 (2)  
 vation that the act did not bind him to the support of the  
 instrument in his own state. Dissension had broken out  
 afresh among the delegates from the various states at the  
 very last moment. Many expressed themselves as dissatis-  
 fied with the final result. Davie and Martin only returned  
 home to meet business engagements before the Constitu-  
 tion came from the Committee in completed form. Davie  
 could not only have signed, and Martin may probably.

While the report of the Raleigh Convention was  
 still in the hands of Congress, North Carolina held a  
 new election for members of the General Assembly. It was  
 felt that this election was the preliminary indication of  
 the sentiment of the people. (1) W. C. C. to George W. C., W. C. C. to George W. C.  
 or Cassell.

(2) W. C. C. to George W. C.





... of the federal constitution. ...  
... interest was awakened throughout. The  
... now ... to call the general assembly,  
... strenuous efforts to control the approaching Assembly.  
They were ... far successful when the Assembly met in  
November they were able on joint ballot to elect Samuel  
Johnston Governor and to call a state convention to meet at  
Hillsboro in the following July to pass upon the Constitu-  
tion. At the beginning of the year Johnston was inducted  
into office with great enthusiasm, his election appearing  
to the federalists as an augury of success for the Constitu-

(1)

tion. Others, however, were not deceived as to the clouds

(2)

ahead. The radical leaders, now anti-federalists, roused  
themselves to the greatest activity, determined to secure  
an overwhelming majority in the Convention. Willie Jones  
began early in 1793 to marshal his forces. He led first at  
Halifax on the Roanoke he personally directed the campaign  
in the eastern and northeastern sections of the state.

Able lieutenants directed it elsewhere. Timothy Flood-  
worth, a blacksmith, led the party in the northern or Wil-  
mington district. David Calwell, a pure and patriotic Pres-  
byterian divine, had a large influence in the central coun-

(1) Davie to Iredell, McKee, II., 217.

(2) Macrae to Iredell, Dec. 13, 1797, McKee, II., 193.



lies, and that of Judge Samuel Spencer and Mayor Joseph McLennell, of King's Mountain fame, was the most prominent in the West.

(1)

The party cue was given by Jones at Halifax. The Federal judiciary, he said, would play havoc with the authority of the state's courts; the poor were to be ruined by heavy collections and federal taxation; there was no provision for freedom of conscience. All of these, and others of like tenor, were potent arguments to the average North Carolinian against surrendering his dearly bought liberties to an untried form of government. The state judiciary, from the first, was practically unanimous in opposition to

(2)

the Constitution. Party lines were closely drawn. On account of his compliant attitude at Philadelphia Alexander Martin was now rejected by his former constituents. The western country generally was decidedly opposed to the Constitution; the Cape Fear or western region was generally favorable; and the eastern country, where all the federal leaders resided, was closely contested. In Dobbs, an eastern county, the federalists, finding that they were in danger of losing the election, raised a riot, put out the con-

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(1) McRee, II., 217. Davie to Iredell, outlining Jones' position. Davie was neighbor to Jones at Halifax.

(2) McRee, II., 153, McClune to Iredell.



ales, destroyed the books and knocked to pieces the ballot  
 (1)  
 boxes. Generally, however, the elections took place with-  
 out fraud or violence and were for the most part favorable  
 to the anti-federalists.

Assisted by a final rejection of the federal Consti-  
 tution seemed to be the first plan of the North Carolina

anti-federal leaders. Before the Hillsboro convention met,  
 however, the states, among them Virginia, had ratified.

(2)  
 Jones, therefore, announced his purpose to procure re-  
 jection in order to give weight to the amendments which the  
 states were preparing. The federalists redoubled their ef-  
 forts. They believed now that the convention would have  
 an issue favorable to the Constitution despite the anti-  
 federal election successes.

(3)  
 Their faith was grounded on  
 the assumption that the weight of the decision of the ten  
 states, which had already secured the new form of govern-  
 ment, would be a moral force sufficiently strong to induce  
 compliance by North Carolina. Iredell issued a strongly

(4)  
 written pamphlet in which he answered the objections to  
 the Constitution made by Mason of Virginia. A second pamphlet

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(1) McRee, II., 321. Witherspoon to Iredell.

(2) Ibid., II., 330. Davie to Iredell, July 9, 1788.

(3) McRee, II., 341. Cooper to Iredell.

(4) This pamphlet was published under the pseudonym of  
 "Marcus". It is reprinted in McRee, II., 116-117.



180, the joint product of the pens of Irell and Davie  
appeared a little later. In this the authors strove to  
meet the popular objections to a federal judiciary, and to  
show the necessity in the Constitution of a guarantee that the States  
retained all the powers not delegated by them to the Federal  
Government.

The convention, consisting of two hundred and eighty-  
four members, met at Hillsboro, July 31, 1788. The promi-  
nent Federalists present were Governor Johnston, James Ire-  
ll, William R. Davie, R. D. Spaight, and Alexander Mac-

laine. Counterbalancing these on the anti-federal side

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were Willie Jones, Timothy Woodworth, David Caldwell,

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(1) McKee, in his Life and Correspondence of James Ire-  
ll, II., 232, makes the following characterization of  
Jones, which, to the writer, seems peculiarly fitting.  
"Willie Jones, of Halifax, was the most influential poli-  
tician in the State: ultra-democratic in theory, he was  
aristocratic in details, tastes, pursuits, and prejudices:  
he lived sumptuously, and wore fine linen; he raced, hunt-  
ed, and played cards; he was proud of his wealth and social  
position, and fastidious in the selection of associates for  
his family. A patriot in the Revolution, he was now (1788)  
the acknowledged head of a great party. He was jealous of  
his authority and sought to meet any attempt to undermine  
his power. His knowledge of human nature was consummate;  
and in the arts of insinuation he was unrivalled. . . .  
Though generally relentless and uncompromising as a parti-  
san, he had a generous heart and an honorable sense of duty.  
He gave signal proof that he could soar above the murky at-  
mosphere of party. He was a loving and energetic disciple  
of Jefferson, and was often taunted with his subservience  
to Virginia 'abstractions'. He seldom appeared in the dis-  
cussions (on the floor of the convention). His time of ac-  
tion was chiefly during the hours of deliberation: then it  
was that he stimulated the passions, raised the vigorous  
character of the speaker, and followed him up with his own





and the Federalists, and the Federalists. Out of the  
to his office the anti-Federalists made no objection to the  
choice of Governor Johnston as president, his election be-  
ing of unanimous vote. The Federalists, conscious that  
they were greatly in the minority, nevertheless were not  
without hope that during the debates to follow a sufficient  
number of anti-Federalists would be brought over to rati-  
fication of the instrument and by the like course of events in  
the other states.

Despite the size of his majority, Jones made a tacti-  
cal error immediately after the convention had been organi-  
zed. Alleging that every member's mind was made up re-  
solved, in the interest of frugality and economy of the pub-  
lic funds, that the question upon the Constitution be put  
at once. He receded from this position, however, immedi-  
ately it became evident that a majority desired to hear the  
Constitution discussed. His power reasserted itself in in-  
fluencing his followers against entering into the debate.  
The floor of the convention was left to the advocates of  
the Constitution. The anti-Federalists apparently consti-  
tuting themselves into a jury before which that instrument was  
on trial. Again and again the Federalists challenged them.  
The Federalists, however, were not to be deterred. They  
smoking his pipe, and chatting of dogs, hounds, stags,  
and hares, he stole it away into the hearts of the anti-Fed-  
eralists, and erected there a monument to himself."



to debate the portions of the Constitution which, at the convention, had been declared objectionable. Perseverance in this course finally drew the anti-federalists into debate and developed their positions.

Their first objection was made to the caption "We, the people", with which the Constitution begins. Joseph Taylor, a decided state rights member, said: "We, the people, is surely an assumed power. \*\*\*\*\* "Had it said, We the States, there would have been a federal intention in it. But, sir, it is clear that a consolidation is intended.

Will any gentleman say that a consolidated government will answer this country? It is too large. \*\*\* We see plainly that men who come from New England are different from us.

They are ignorant of our situation; they do not know the state of our country. They cannot with safety legislate for us". (2)

George Spencer said: "The states (under the proposed constitution) do not act in their political capacities, but the government is prepared for individuals. \*\*\* (3)

There ought, therefore, to be a bill of rights". The federalists' reply to this argument was that all powers not

given up in the Constitution by the states to our general

(1) Elliot's Debates, II., 103, 107.

(2) " " " 34. Ibid. III., 102.

(3) Ibid. II., 146.



overment were retained in the respective states.

Not only the question of the absence of a bill of rights the Federalists assumed and held, throughout the period of the convention, a theory of the Constitution which, in after years, was the basis of the states rights doctrine and the theory upon which the South acted in 1861. (1)

On the floor of the convention, Iredell said: "Of what use, therefore, can a bill of rights be in this constitution, where the people expressly declare how much power they do give, and consequently retain all they do not? It (the Constitution) is a delegation of particular powers by the people to their representatives for particular purposes. It may be considered as a great power of attorney, under which no power can be exercised but what is expressly given." Davie and Spaight, speaking more authoritatively because of their participation in the formation of the constitution and hence, presumably, had better knowledge of its spirit, supported and reinforced this interpretation of Iredell. Nor do the exigencies of the political situation, though pressing, sufficiently account for this interpretation so general among the Federalists. Unquestionably the supporters of the Constitution in North Carolina held that

instrument as a compact between the States and the Federal

(1) Elliot's Debates, IV., 148.



government, their agent.

Second to the fear of consolidation and the absence of a bill of rights, the point of greatest objection raised by the anti-federalists was the operation of a federal judiciary within the circuits of the state. Judge Spencer (1) was ready to concede that, in case federation was necessary, the federal judiciary should have appellate jurisdiction in certain cases that should be specifically enumerated, and original jurisdiction in all maritime cases, but he thought that within the limits of a state, the state's court should carry into execution the laws of Congress. It was also conceded by the anti-federalists that a supreme federal court might justly have cognizance of controversies between two or more states and between citizens of the same state claiming lands under grants of different states. Further power over the individual they were unwilling to yield. Inasmuch as the Constitution had left it to Congress to give definite form to the federal judicial system, the people undoubtedly feared to subject themselves to a power outside their own borders whose expression might touch the daily lives of individuals in an intricate and possibly oppressive manner. The absence of a guarantee of trial by jury increased the general distrust.

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(1) Elliot's Debates, IV., 155.





The convention remained in session eleven days. Toward its close every important feature of the Constitution had been discussed without any appreciable change of sentiment in either party. The anti-federalists showed no disposition to yield the point of ratification. The latent danger in the position of isolation which North Carolina would occupy sandwiched between the northern and southern sections of the Union was recognized; but they believe that a good purpose could be served by non-ratification in that it would give weight to the general demand for amendments. Accordingly Jones re-announced non-adoption as the (1) unchanged policy of his party. The state ran no risk, he said, of being excluded from the Union when she wished to come in; Virginia would not oppose, and South Carolina and Georgia were deeply interested in North Carolina's accession; that indeed twelve men, struggling under a heavy load would not be likely to reject the assistance of a thirteenth. He quoted the well-known letter of Jefferson to Madison in which the hope was expressed that nine states would ratify in order to secure the union, but that the remaining four would stand aloof until amendment was effected. Jones' reasoning was conclusive with his party. Taking the direction of the convention into his own hands he

(1) Elliott's Debates, IV., 326.



now maneuvered to bring about a vote which, though serving the same purpose, would not be a direct rejection. The result (1) (1) was a resolution which asserted the necessity for a bill of rights and suggested that a second federal convention be called. To the resolution was appended a declaration of rights similar to that in the State Constitution (2) and a list of twenty-six amendments. The first amendment guaranteed the reserved rights of the states. The remainder for the most part were restrictions upon the federal government and an enlargement of the powers of Congress relative to the other two branches.

The anti-federalists carried the resolution and appendages by a final vote of 184 to 84. A motion by a federalist to substitute a ratifying resolution was defeated by the same majority of one hundred. That the state might be in line to accede to the Constitution when it wished and, in the meantime, not bring upon itself the results of possible hostile trade regulations by Congress, the convention passed a second resolution offered by Jones which recommended to the State legislature that, whenever Congress should pass a law for collecting an impost in the states which had ratified, a similar impost should be laid on

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(1) Elliott's Debates IV., 242.

(2) Ibid., IV., 244.



goods imported into North Carolina and the money arising  
 (1)  
 therefrom be appropriated to the use of Congress. The  
 convention adjourned sine die August 4.

Immediately after adjournment of the North Carolina convention the news came that New York, the eleventh state, had ratified. Rhode Island and North Carolina only were without the federal pale. The federalists renewed their activity and public opinion now began to veer around rapidly. Friends of the Constitution in almost every town and county joined in petitions to the General Assembly asking the call of a second State convention. The state was on the eve of the annual August elections for assemblymen. The petitions were to be ready for presentation when the Assembly should meet in November. Upon a suggestion from Governor Johnston the petitioners preserved in the large number  
 (2)  
 of petitions prepared a fair degree of uniformity. They stressed mainly the benefits to be derived from a firm union with the other states and the desirability of the state's being in the Union when the anticipated amendments should be formed so that her influence might be felt as to their content.

The federalists made large gains throughout the

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(1) These petitions are found in manuscript in the N.C. Archives, Office of Sec'y of State, Raleigh.



State in the election of assemblymen. A most rapid change of sentiment had especially manifested itself in the western counties. This western region generally, on both sides of the mountains had sent up anti-federal delegates to the Hillsboro convention in July, but in August elected federalists to the Assembly. The trans-mountain men, the inhabitants of the abortive state of Franklin, were returning to their allegiance to North Carolina, and sent federalists to the Assembly in the hope that, should the Constitution be ratified, the trans-mountain country would be at once ceded to the federal government and their aspirations to statehood satisfied. Governor Johnston encouraged this hope enough to secure their support of the convention measure. Moreover, the sudden threat of a general Indian war had alarmed the whole western country on both sides of the mountains in the fall of 1788 and caused a very widespread appreciation of the benefits to be derived from membership in the Union and its consequent protection.

Though the swing of the political pendulum was now toward federalism, Jones exerted all his powers to stay its

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(1) Ramsey, J.G.M. Annals of Tennessee, 233-540. The inhabitants of the territory of North Carolina west of the Great Smoky mountains in 1784 erected a revolutionary state which they called Franklin and maintained it against the authority of North Carolina until 1793. The questions involved were similar to those in the Regulators' war of 1769-71. In fact in many of its phases, it was a repetition of this struggle, with the scene shifted across the moun-





momentum. He declared that North Carolina should remain out of the Union for at least five or six years; that that length of time should elapse before the federal judiciary was "let in upon" the people. Centralization and the loss of dearly bought liberties were his themes. Though he strengthened the party somewhat in his own district, Jones could not counterbalance the general gains of the federalists.

When the Assembly met in November its membership was found to be almost entirely divided between the parties. This represented a marvelous decrease in the strength of the anti-federalists as compared with their majority in the convention in July. The petitions for a new convention now  
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came in in large numbers. It was evident that public opinion demanded that the Constitution should be considered anew. A convention bill was prepared and passed; but the anti-federalists were strong enough to fix the time of meeting far beyond that planned by the federalists. The date fixed upon was November 16, 1789, six months after the first Congress would convene under authority of the Constitution. With this the federalists had, perforce, to  
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tains.

(2)McRee II., 244. Johnston to Iredell.

(1) Journals. N.C. Records, XXI., 5, 8, 20, 1788-1789.



content themselves.

Though the feeling of sisterhood entered between the states during the Revolution prevented North Carolina and Rhode Island from being received as actual foreign territories when the government of the new Union went into operation in April, 1789, it never occurred to anyone to look upon them as other than independent sovereignties. Since the resolution of the Philadelphia convention made the constitution binding only on those states that would ratify it, in no quarter of the Union did the view obtain that the states still without were other than political entities, subject only to the collective will of the people respectively of the states in question. When impost and tonnage bills were introduced early in the first session of the first Congress there were some proposals to so regulate them that North Carolina would be treated as a foreign

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state. The object of course was to bring economic pressure to bear sufficiently heavy to insure her to enter the Union. Hugh Williamson, acting as agent of North Carolina to Congress, felt it incumbent upon him to memorialize that

(2)

body on the subject. He urged forbearance for, he said,

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(1) McRee, II., Senator Pierce Butler of South Carolina to James Iredell, August 11, 1789.

(2) Williamson to Congress, 1789, State Archives.



only a little time was needed to bring this State into the sisterhood. The proposed hostile clauses, however, had not been seriously entertained. The attitude of the states in the Union toward those without was one of courteous invitation. Some of them felt perhaps as did the fox in the fable, having lost their own tails they wished North Carolina to do likewise. Already a "Southern interest", as opposed to Northern interests, was recognized by Southern public men and those devoutly wished for the accession of North Carolina as a means of preserving a balance of power. (1)

The second North Carolina convention called to consider the federal Constitution met November 10, 1789, and five days later passed an ordinance of ratification by a majority of 118 votes. The journal of the six days' session contains the bare outline of the proceedings. Hence it is impossible to determine the spirit of the debates, unless exact correspondence of federalists be accepted. Governor Johnston wrote that the opposition was "still violent and virulent"; and Davie upon the first day was doubtful that ratification could be effected. (2) (3)

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(1) Cf. Pierce Butler to James Iredell, McRee, II., 263.

(2) Journal of the Fayetteville Convention, 1789, p. in N.C. State Records, XXII., 56-53.

(3) McRee, II., 271. Davie to Iredell.



But Davie had signally failed to correctly estimate the rapidity with which sentiment for union had developed since the adjournment of the Hillsboro convention, now more than a year past. Moreover, the position the federalist leaders themselves had taken in defense of the Constitution had labelled them as thorough State rights men provided they had the state once inside the Union. Their speeches in the Hillsboro convention, the propaganda they had industriously circulated after this convention, and their general attitude toward union conclusively show that they regarded the Constitution as a federal compact and the general government the agent of the states creating it. With this ideal held before the anti-federalists each of them bowed their heads to enable the state to give sanction to the Constitution.

Whatever form of government the logic of subsequent events may have shown that the Constitution created, yet no one could become familiar with the spirit prevalent in both parties in North Carolina in 1789 without feeling that the adoption of the Constitution was based on a belief that it created a governmental compact with powers increased over those of the old Articles of Confederation only for the purpose of efficient practical administration. Although North Carolina entered the Union only after hesitancy and





mature deliberation, yet her subsequent history proved her loyalty to it as long as the Constitution represented her interpretation of its provisions.



## CHAPTER II.

No abrupt change occurred in the course of her internal affairs when North Carolina entered the Federal Union. Local feeling and thought adjust themselves slowly to political changes in external relations unless the changed relations be so radical as to touch intimately the daily life of the individual. In North Carolina a majority trusted that the new form of government would prove its right to exist, but few believed in its perfection. To the country at large the government was as yet a political experiment; nor did the constitution command universal respect. The anti-federalists soon formed themselves into the Republican party and assumed the roll of critic.

Ratification had been effected in North Carolina during a surface reaction from the tendency toward state individualism represented by Willie Jones. Once inside the Union, however, the advantages arising therefrom began to manifest themselves and prevent a decided second reaction. Adjustment to the new order of things, however, was not without jars and friction between federal and state authority. Two incidents occurred in 1790 which, though small within themselves, nevertheless served to show how lightly the



federal authority was held during the first years of Union. Congress had passed an act in June, 1790, prescribing an oath of office in support of the constitution for such state officials as governors, members of the legislature, and others. When the excitement arose in the last months of 1790 over Hamilton's scheme for federal assumption of state debts, the the popular branch of the North Carolina General Assembly, much opposed to assumption, refused by a vote of 55 to 26 to take the oath to support the federal constitution.<sup>1</sup> The second incident concerned the adjustment of the federal judiciary. A writ of certiorari was issued from the federal district court of North Carolina by the direction of three of the United States Supreme Court judges (Blair, Rutledge, and Wilson), directed to the Court of Equity in North Carolina, for bringing up an equity case.<sup>2</sup> The state judges refused obedience to the writ and denied the Supreme Court's authority in the case. The General Assembly at once passed a vote of thanks to the judges for their action. The case was never acted on afterward and with the early reform of the judiciary was thrown out.

1. Journal of the House. N. C. State Records XXI, 1021.
2. Dallas, U. S. Supreme Court Reports II, 412.
3. N. C. State Records XXI, 1054.



The Assembly passed strong resolutions<sup>1</sup> against the assumption and funding measures of Hamilton ; and preentorily instructed the state's senators, Samuel Johnston and Benjamin Hawkins, to oppose any excise or direct tax by the federal government<sup>2</sup>. The North Carolina members of the House of Representatives, though not yet all arrived, were opposed to the whole scheme. In the debates upon the question Hugh Williamson alleged that "assumption" would be interference with the reserved rights of the states and contradictory to the interpretation North Carolina had put upon the constitution in her act of ratification. He cited an amendment which had unanimously passed her ratification convention and had been proposed to Congress with the expectation of favorable action. The amendment in question declared that congress should not directly or indirectly, either by themselves or through the judiciary, interfere with any state in its plans for liquidating and discharging its public debt. Williamson showed<sup>3</sup> that North Carolina was ready to account according to the spirit of the original contract ; a contract that had not been altered by the formation of a new government. His plan was: that a settlement should first be made between the federal

al government and the individual states and the federal gov-

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1. N. C. State Records XXI, 1032.

2. Ibid XXI, 1039, 1049.

3. Gale and Seaton. Hist. of Congress, I, 1400, speech of Hugh Williamson on Assumption.





ernment then be allowed to assume the remainder still due from the country.

The attitude of North Carolina materially delayed the assumption program. Smith of South Carolina, Sedgwick of Massachusetts, and Jackson of Georgia replied at length to Williamson's speech. Jackson's position was one of conciliation. He said: "A bare majority, if the measure be carried, is all that can be expected, and I will ask if this bare majority would satisfy North Carolina? Suppose it carried by this majority, and the people of North Carolina will not submit, is it intended to reduce them to obedience by force? Is this a language for freemen? ..... Reconcile them to the measure; bring forward your funds; show them they are not to be oppressed, and you will accomplish this business much sooner."<sup>1</sup> In the meantime the remainder of the North Carolina's delegation arrived at New York. Their accession made the non-assumption party the strongest, and thereupon, the debates upon the subject ended for the time. The proposition was not again brought forward until the opportunity occurred later to pair it with the controversy between the Northern and Southern States over the seat for the federal capitol. The outcome was the well-known compromise by which the states' debts were assumed and the site for the capitol located on the banks of the Potomac.

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1. Gales and Seaton, Hist. of Congr. II, 1596.



The federal excise laws of 1791, from which the assumptionists purposed to derive the funds to carry out their measures, occasioned great ferment in all the mountainous region of the United States. The greatest storm centre was Western Pennsylvania, the trouble there culminating in 1794 in the "Whiskey Insurrection". In Western North Carolina, if resistance to the excise laws was less organized, it was not the less effective. Distillers refused to pay the tax. Federal collectors were powerless and discretely remained out of the excited localities. The spirit of resistance spread also to the eastern counties and the popular ferment did not abate until the excise laws amended<sup>1</sup>.

A general discontent with the measures which congress had deemed necessary for adjustment of the new regime accelerated in North Carolina the reaction to federalism. The first political victim of the reaction was Samuel Johnston, who, regarded as the most uncompromising federalist in the state, failed to secure his re-election to the United States Senate when his term expired in March 1792. Alexander Martin was chosen as his successor. Martin ranked as a radical until his return from the Philadelphia convention in 1787, after which

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1. McRee II, 330, 335 cf. Davie to Iredell, August 2, 1791, and Johnston to Iredell, April 15, 1791.



he continuously advocated the adoption of the constitution and in 1789 was elected governor by the Federalists in recognition of his services. In 1792 he was again in the confidence of the anti-Federalists and owed to them his election to the senate. In the congressional elections of 1793 the anti-Federalists were successful in every district save one--the Scotch district in the Cape Fear region<sup>1</sup>. With Johnston retired to private life the remaining Federalist leaders quietly supported practically the same state rights principles as the anti-Federalists. James Iredell, whom Washington had appointed to the Supreme Court bench, set them the example in his dissenting opinion in the case of Chisholm vs. Georgia<sup>2</sup>.

This case, before the Supreme Court of the United States in 1792 and 1793, raised the question whether a state could be sued by a citizen of another state and, bearing directly upon the question of state sovereignty, thus attracted general attention. The opinion of the Court affirmed the right of suit by a citizen and that the state was amenable to the jurisdiction of the Supreme Court, thus deciding against Georgia and in favor of Chisholm, a citizen of South Carolina.

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1. Under the new apportionment on the basis of the census of 1790 North Carolina now had ten Representatives.
2. For the report of this important case see Dallas' U. S. Supreme Court Reports, II, 419 - 460.



Justice Iredell, however, wrote a dissenting opinion which contained the first expression of state rights doctrine emanating from the Supreme Court. Iredell argued that the states were successors to the sovereignty wrenched from the English crown, and upon this he built up the theory of delegated or divided sovereignty, holding that every state in the Union, in every instance where its sovereignty had not been delegated to the United States was as completely sovereign as were the United States in respect to the powers delegated by the federal compact. A state, remaining sovereign, could not, therefore, be sued by individuals. Georgia acted upon the theory laid down by Iredell and stood at defiance. The judgment remained unenforced until the eleventh amendment to the United States Constitution, ratified in 1798, removed such questions from the cognizance of the Court.

The Republican party throughout the country received Iredell's opinion as an exposition of its own theory of a definite line of demarcation between the rights reserved by the states and those delegated to the federal government. The opinion is the more interesting in this connection because of Iredell's influence upon the adoption of the constitution by North Carolina. His interpretation of its provisions in 1793 was in the same state rights spirit with which he had defended it in 1765 - 1769.





The Alien and Sedition Acts passed by Congress in June and July 1798, gave the Republicans their next opportunity to raise the state rights issue. These acts placed large discretionary power in the hands of the president and had a decided monarchical flavor. The Kentucky Resolutions<sup>1</sup>, passed in protest at the instance of Thomas Jefferson, made a great advance on the doctrine contained in Iredell's opinion in the Georgia case. In these Resolutions each state, as a party to the constitutional compact, to which it had acceded as a state, was declared to be its own final judge as to infractions of the constitution by the federal government ; and that, whenever the federal government assumed undelegated powers its acts were unauthoritative, void, and of no force. The Alien and Sedition Acts were declared to be the product of assumed powers and therefore void. Resolutions followed from Virginia<sup>2</sup> supporting those of Kentucky. Copies of both were sent to all the other states.

The time of their reception in North Carolina was unpropitious for their success in creating sentiment against the government. Wm. R. Davie was governor and, though ranking

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1. Elliotts Debates IV, 540. Preston's Documents, 295.
2. Elliotts Debates IV, 523.



18th State of the Union List, was "The Union of the United States of America." The Governor then with took the ground that "this particular juncture the Union's existence was in more danger than the rights of the States."<sup>1</sup> He therefore threw all his influence against any legislative cooperation with Virginia and Kentucky. The Kentucky Resolutions came before the North Carolina Assembly December 21, 1798, and on the 23rd a mild resolution was introduced in the Senate expressing the pain with which the body viewed the enactment of the Alien and Sedition laws. Davie's followers secured its rejection by a close vote.<sup>2</sup> The lower House on the same day passed a somewhat stronger resolution<sup>3</sup> and, disregarding the senate, ordered copies forwarded to senators and representatives. No joint action was ever had. But the attitude of North Carolina toward the "Doctrine of 1798" was not one of hostility. Her

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1. Governor Davie's alarm was genuine. In the summer of 1799 having closely interviewed some gentlemen just returned from the races at Petersburg, Virginia, he wrote Judge Iredell that the Virginia leaders seemed determined upon the overthrow of the general government; that if no other method would effect it, they would risk it upon the chances of war. He understood that some of them talked of seceding; while others advocated the policy and practicability of severing the Union into two portions. McRee II, Davie to Iredell, June 17, 1799.

2. Journal of the N. C. Senate, 1799, p. 11.

3. Journal of the N. C. House of Commons, 1799, p. 1.



non-action was due to the disinclination on the part of the state administration to encourage dissensions at a time of such an important party contest.

When a successor to President Washington was to be chosen in 1796, nine North Carolina districts chose Jefferson electors and one, the Scotch district, an Adams elector. But in 1800, as the storm and stress of federal politics increased, the old federalist forces began to fear for the safety of the Union and the party showed signs of reviving strength<sup>1</sup>. The Jay Treaty, the Alien and Sedition Acts, and the "Resolutions of '96", together with personal jealousies of the national leaders, had all combined to lend a bitterness to the presidential contest in 1800 that caused a very general apprehension of the Disruption of the Union<sup>2</sup>.

The result of this apprehension in North Carolina enabled the federalists to carry four electoral districts for Adams, one of them being the Western or Salisbury district. The Republican defeat here marked the beginning of the reversion of the whole western half of the state to its old principle of antagonism to Eastern control<sup>3</sup>, under whatever party

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1. Raleigh Register, Dec. 3, 1799.

2. Cf. Von Holst, Constitutional and Political History of the United States, I, 166.

3. Infra, Chap. III.



name the control might be exercised. Though the Federalists had made a good fight for regeneration of their party they were now practically without a state leader of note. Iredell had died in 1799. Samuel Johnston had passed into pettish and grumbling retirement. Wm. R. Davie had accepted President Adams' appointment as one of the three envoys extraordinary<sup>1</sup> to the court of the first Consul. Thus stripped of its old prominent leaders the Federalist party in North Carolina fell into complete disorganization upon the election of Jefferson to the presidency in 1800. Thereafter the several districts which remained Federalist were animated more by sectional state issues than by differences with the Republicans on National questions.

The Republican party on the other hand now rapidly entrenched itself in places of power. Through representative Nathaniel Macon Jefferson judiciously used the Federal patronage in the state appointments, only those of unquestioned loyalty to Republican principles being placed in office<sup>2</sup>. Macon was a worthy disciple of Willie Jones with even more ultra democratic principles than his political preceptor. He had

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1. This was Adams' famous second mission to France, composed of Oliver Elsworth, Wm. Vans Murray and Davie. The latter was appointed to fill the place declined by Patrick Henry.

2. Dodd. Life of Nathaniel Macon, 185.





been in Congress since 1791 and by the end of the century had assumed the leadership of the party relinquished by Jones. His position in national politics as Speaker of the House of Representatives from 1801 to 1806 did not lessen his interest in party affairs in the state.

The first two decades of the new century North Carolina, Republican throughout in each branch of her government, uniformly supported the successive national administrations of the Republican party. The problem before the general government during the first fifteen years was to prevent the humiliation and commercial ruin of the young republic at the hands of either France or England. The protests of the Northern Federalists, when in 1812 Madison's administration opened war on England; found no answering echo among their former party associates in North Carolina<sup>1</sup>. Still more profound was the silence when the New England federalists in 1814 met in the Hartford Convention for the generally understood purpose of forcing a peace with England, or, failing in that, to possibly secede from the Union<sup>2</sup>.

Since the Hartford Convention practically re-asserted only the doctrine laid down in the Kentucky Resolutions of

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1. Cf. Message of Gov. Wm. Hawkins to the North Carolina General Assembly, Nov. 17, 1812, Executive Letter Book.

2. The Report of the Hartford Convention is given in 7 Miles Register, 300 - 310.



1793<sup>1</sup>, the Republican party, with state rights as its cardinal principle, could only attack the policy of the New England states on the ground that their action was a betrayal of the cause of common defense. North Carolina Republicanism, therefore, freely conceded to Massachusetts and her confreres at Hartford the right to speak their sovereign wills. But the concession was coupled with the suggestion that they should speak through their legislatures, and at a time when all were not endangered by a public enemy; in short, that "they should speak like Americans"<sup>2</sup>. The timely ending of the war relieved the situation for the Republican party at large, and the chief result of the Hartford Convention was to draw odium upon the federalist party sufficient to assure its swift dissolution.

From 1815 to 1820 North Carolina, in common with the rest of the Union, enjoyed a period of political calm which came as a welcome relief after the party strife and turmoil preceding and accompanying the war with England. The people seemed satisfied with the type of Republicanism administered successively by Jefferson, Madison and Monroe. The Union, now that it had stood the test of a war, became a fixture in

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1. Von Holst, I, 263, holds that the theory in the Kentucky Resolutions was identical with that upon which the Hartford Convention acted.

2. Raleigh Register. Dec. 5, 1814, and Jan. 27, 1815.



the political conceptions of the people. Sentiment, as well as political wisdom and experience, was beginning to form a bulwark for its protection<sup>1</sup>.

The period of calm was soon broken, however, by the development of a serious political contest between the North and the South over slavery. Its occasion was the application of Missouri to be admitted into the Union as a slave state.

A North Carolina newspaper of Feb. 26, 1819, gave the first intimation to the people of the state that the question had been opened as a sectional issue. It said: "In the House of Representatives yesterday a decision took place in a committee of the whole, which, if confirmed by the House, may be expected to have an important bearing on the political relations of the several states"<sup>2</sup>. This decision was to require of Missouri, as the condition of her admission, the prohibition of the further introduction of slaves, and emancipation of all slave children after the admission as soon as they reached the age of twenty-five. This was the first instance of such a condition being proposed as the condition of admission for a new state and the South at once saw in it a purpose

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1. 17 Niles Register, 31, has a very interesting account at this date of a fervent prayer for the permanence of the Union uttered by a North Carolina Revolutionary veteran upon his death bed.

2. American Recorder. Feb. 26, 1819.



on the part of the free states to circumscribe and thus finally to strangle slavery just when, on account of the increased demand for cotton by Europe since the war of 1812, the institution was beginning to return a very large profit.<sup>1</sup> The Missouri compromise and its discussion, therefore, clearly demonstrated that in slavery arose the gravest domestic question hitherto set for the solution of the American people. Strict construction and state rights, less emphasized in the South since the Republican ascendancy in 1860, now assumed their old time prominence.

The North Carolina legislature gave no official utterance to the sentiment of the state upon the Missouri question, so that we must rely upon its newspapers and the utterances of public men for local public opinion. Newspapers were just beginning to exercise that powerful influence upon North Carolina politics which reached its climax with the group of strong editor-politicians of the period 1850 - 1860. The Raleigh Register, the official mouthpiece of the Republican party since its establishment in 1799, published both sides of the Missouri debates, beginning with the speech of Otis of Massachusetts and continuing through the series.<sup>2</sup> Its editorials were in the orthodox vein of decided opposition to any

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1. Cf. Von Holst. I, 425.

2. Raleigh Register, March 3, 1820, et seq.





restriction of Missouri. The Minerva, claiming no party name but representing what little opposition to the Republicans remained, carried Federalist days, assumed an attitude very different to the Register. It said, January 17, 1820 : "We doubt whether it is possible to answer Mr. King's speech of the last session against granting to this new state (Missouri) the privilege of holding our fellowmen in bondage. Yet our Northern brethren will generously remember that it is not always possible for the most honest to be just". A month later the same paper asserted the constitutionality of restriction,<sup>1</sup> and added : "It is equally certain that true policy forbids the extension, as it amounts to the toleration of slavery". Proceeding, this editorial predicted, that inasmuch as the evil of slavery was of such magnitude and involved a species of property which was bolstered up by the stubbornness of interest and prejudice, half a century would be required to exterminate it. Two weeks later the Minerva declared an open and definite hostility to the extension of slavery and began to advocate some form of racial emancipation. Letters and addresses were published weekly on the subject, the academic productions of even college students on the rights of

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1. The Minerva, Feb. 11, 1820.

2. Minerva, Feb. 25, 1820.



men, including the slave, finding ready welcome in its columns.<sup>1</sup>

Though the Minerva voiced the known sentiment of several detached groups in North Carolina,<sup>2</sup> and undoubtedly that of even a respectable minority throughout the state, those who had such opinions as to slavery restrictions were totally unorganized and their power, therefore, was correspondingly ineffectual. Yet on the Missouri question the difference in sentiment between the North Carolina members in Congress was scarcely less radical than that between the Register and the Minerva.

Nathaniel Bacon, now in the Senate, represented as always the state rights republicanism of the eastern North Carolina slave-holders. He opposed to the end the whole plan of the compromise, on the ground that it would be an admission on the part of the South that Congress could set limits and bounds to slavery. He held that each new territory, when ready for statehood, should come into the Union with such institutions as it chose to adopt, provided such institutions

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1. Ibid, March 10, 1850, et seq.

2. These groups were the Quaker Counties--Guilford, Randolph, and Bladen; the Moravian center at Salem; and the mountain counties where slavery was a subject of indifference.



were not repugnant to the ideas entertained by the states when they created the Union.<sup>1</sup> Macon cast his vote against the final passage of the measure and was followed by six of the state's representatives in the House. Montford Stokes, Macon's colleague in the Senate, voted for the compromise measure in each stage of its progress. In a letter<sup>2</sup> to Governor Branch explaining his action, Stokes made some general observations on the subject of slavery which evidently expressed the views of many others in the state.<sup>3</sup> He had voted for the compromise, he said, in order that the South might secure the portion of the Louisiana Purchase below 36° 30' as an asylum for slaves already too numerous to be comfortably supported in the Southern border states. Further, he had "a charitable and respectful regard for the feelings, and even the prejudices, of that great portion of the Northern people that was averse to slavery in any form, and that would join heartily with us in any constitutional measure to get rid of the evil."

This letter discloses conflicting sentiments. As a practical border-state politician Stokes felt that slavery

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1. Annals of Congress, 16th Cong., 1st sess., 1, 219. et seq. for Macon's speech on the compromise plan.
2. Publ. in Raleigh Register, March 17, 1820.
3. The Western Carolinian, March 25, 1820, and Star, April 1, 1820, endorsed Stokes' views.



might be rendered less in evil by its diffusion over a larger territory. A slave sold from a Virginia or North Carolina tobacco planter to a cotton planter in Alabama or Arkansas he 1 the transference of labor from a market over-supplied to one under-supplied. Such a transfer of a slave helped, to that extent, to relieve the congestion upon the tobacco plantation. At the same time, his purchase price remained in the hands of the tobacco planter, probably to be necessarily expended in the purchase of food and clothing for the still too numerous and yet ever increasing blacks.<sup>1</sup> It was thus, as the representative of a border slave state, that Stokes spoke for the diffusion of slavery. On the contrary his words relative to some constitutional method by which to rid the country of slavery must be regarded as spoken in a personal sense and partially as expressing the theoretical hostility to slavery of that section of North Carolina from which he came--the mountainous West.<sup>2</sup>

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1. The aggregate population of North Carolina in 1860 was 658,329. Of these 205,617 were slaves and 14,612 were free negroes. The great bulk of the slaves were in the North and Middle West, i.e. in the tier of 10occo counties which bordered Virginia and in the irregular tier of counties which ran southwesterly across the state at the upper limits of tide-water.
2. Senator Stokes was a native of Wilkes County.





When the Missouri compromise had passed into history a period of party fermentation began. The Republican party, occupying the whole field without a rival, embraced in its ranks a number of strong and forceful leaders of the younger school of politics whose interests and policies were likely to clash. Among these were Henry Clay, Daniel Webster, John Q. Adams, Wm. H. Crawford, John C. Calhoun and Andrew Jackson. Internal improvements, the United States banks, and the tariff showed signs of becoming leading issues. But Jackson's deadly struggle with the bank had not yet begun. Clay was already identified with the policy of a protection tariff. Calhoun in 1813 had been friendly to a moderate tariff, the tariff measure of that year being acquiesced in by the whole South.<sup>1</sup> But the tariff bill of 1820 found the South practically solid in opposition to further increase of duties.<sup>2</sup> Calhoun now constituted himself the leader of the Southern anti-tariff forces, and his lasting enmity to Clay's "American System" became an almost dramatic feature of American politics.

As the presidential election of 1824 approached the Union presented an aspect of unusual political confusion, and

1. Annals of Cong. 1st Sess. 1271.

2. Cf. Niles Register, vol. 2, pp. 10, 17. North Carolina cast one vote for the tariff bill of 1820, so also did Maryland, Virginia, and South Carolina. Delaware, Mississippi, Arkansas and Louisiana were divided against it.



mainly to the rival claims of the numerous leaders. North Carolina politics was a reflection of that of the Union. The state was Republican to be sure. But what were Republican principles? Who represented the Republican party? Was it Crawford of Georgia, Jackson of Tennessee, or Adams of Massachusetts? Each of these claimed the honor and had raised his standard.

Despite the obscurity of party lines and the lack of definiteness of party principles there were political undercurrents in North Carolina which never lost their way. Crawford was regarded as the successor to the old state rights republicanism of Jefferson and Madison as opposed to the young national republicanism of the Western and Northern leaders. Therefore, the slaveholding section of North Carolina, the wealthy and populous Middle East, true to political instinct, came to Crawford's support.<sup>1</sup> The West, less influenced by slavery, had not developed the strong strict construction principles which, since 1789, had controlled the East. The line of sectional cleavage was now the more distinct also because of the insistent demand of the West for reform of the State Constitution and an equalization of representation.<sup>2</sup>

1. Macon had designated Crawford as early as 1821 as the "most republican and the most economical" of the prospective candidates. Macon to Bartlett Yancey Dec. 1, 1821, Board, 200.

2. *Ibid.* 200, 201.



State parties, therefore, were already formed and these readily adjusted themselves to the parties taking form under the National leaders. When the East declared for Crawford the West as naturally declared against him. The Western party at first adopted Calhoun as its candidate against the "caucus" or Crawford ticket. But when the coalition between the Jackson and Calhoun forces occurred in March 1824, with the first place assigned to Jackson, the combination, known as the People's Ticket, lost nothing of its popular favor.<sup>1</sup>

When the General Assembly met in November, 1823, the members arranged themselves into Eastern and Western parties. A Western member soon introduced a resolution<sup>2</sup> to instruct the state's senators and representatives in Congress to refrain from entering into a congressional nominating caucus. The resolution was purely a party move and was aimed at the old Republican party practice of naming its presidential candidate by the caucus method. Hence the Crawford forces at once attacked the resolution and a heated debate<sup>3</sup> of three days duration ensued which finally resulted in a defeat of the

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1. Cf. Star. March 5, and March 12, 1824.

2. M. C. House of Commons Journal, 1823, 159.

3. The debates on the Frier, or Anti-Caucus Resolutions, are published in weekly issues of Raleigh Register from March 1 to May 5, 1824.



instructive measure of a close vote. The eastern members then proceeded to hold a caucus on December 24, and recommended Crawford to the people. A few months later the Washington caucus<sup>1</sup> formally announced Crawford's candidacy and the Harristown Convention that of Jackson. Clay had been put forward by the legislature of Kentucky and Adams by Massachusetts.

In the meantime the three Quaker Counties, Guilford, Randolph, and Johnston, making up a district in the center of the state, held a meeting at Greensboro, endorsed Adams' candidacy, and passed resolutions<sup>2</sup> condemning "the attempts which have been made to express the voice of the people". Jackson was named by the Quakers as their second choice. Only two sets of electors, however, were placed before the people of the state and these were pledged respectively to Crawford and Jackson.

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1. Nathaniel Macon, though a supporter of Crawford, refused to attend the Congressional Caucus on the ground that he opposed all oligarchical methods. See Dodd, 337.
  2. This was in recognition of Adams' defense of the right of petition. The North Carolina Quakers had always opposed slavery and had utilized the right of peaceful petition to Congress in order to register their protests against it. They had now for a number of years practiced non-resistance and when this practice came into conflict with positive state laws they adopted the method of colonization in Hayti. See Adams of Congress, 5th Cong., 1st sess., 471, for first Quaker petition from North Carolina in regard to slavery. Also see 27 Niles Register, 247, and 28 Niles Register 247 and 447 for instances of large numbers of petitions to Hayti by N. C. Quakers.





The People's ticket versus the State ticket enlisted the interest of everyone who could be crossed to evince a party spirit. Party principles were ill defined and entirely secondary. The question of the election of either the candidates was given the chief attention in North Carolina. Both sides made their appeals to "the people", to "the honest yeomanry", and to "every honest Republican". The result, however, was not difficult to predict. The West had attained a unanimity for Jackson equal to its solidarity on the state issue of constitutional reform. Jackson's personality was also awakening enthusiasm in the East among the classes which were less committed by interest and affinity to old state rights Republicanism.<sup>1</sup> Moreover, Crawford's ill health<sup>2</sup> decreased his chances of success in the state.

The majority for the People's ticket in November was 4794 votes.<sup>3</sup> Of the sixty-three counties composing the state, forty-two gave Jackson majorities. This number was exclusive of the three Quaker counties which had finally given their

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1. Star, Feb. 6, 1844.

2. Crawford had been stricken with partial paralysis soon after his nomination and his recovery seemed somewhat doubtful as the campaign progressed.

3. Executive L. S. Letter Book, 1844, 110.



vote to Crawford as the weaker candidate in the hope<sup>1</sup> of casting the election into the House of Representatives. The remainder of the twenty-one Crawford counties were middle eastern and covered the general area in which slave population was greatest.

On the first day of December the electors met in the State capitol and gave a unanimous vote for Jackson and Calhoun, one man being fired for each elector and one extra for Henderson, a western county which had given a unanimous vote for the People's ticket. Two months later the will of the state was subverted by the action of its representatives in Congress. When the election was thrown into the House for a choice from the trio, Jackson, Adams, and Crawford, the thirteen Representatives from North Carolina voted according to party. Ten of the number ranked as all Republicans and in consequence gave their votes to Crawford. Two voted for Jackson ; and one, the member from the Quaker district, gave his vote to Adams.<sup>2</sup>

From the standpoint of logical development the course of North Carolina politics during the succeeding four

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1. Star, Dec. 3, 1824.

2. Thus, since Adams was elected, the Quaker vote was the only effectual one given to the state.



years was anomalous. The state rights or Eastern party executed a political somersault before 1828 and in that year supported Jackson with the same energy with which it had opposed him in 1824. The reason is not far to seek. Jackson was now the only opponent of Adams, and, as a Southerner, was naturally regarded as a safer guardian of Southern interests. The Eastern party, by a sort of political divination, estimated him as at heart a state rights man, and this estimate ever afterward remained unchanged even though succeeding events apparently contradicted it. The West, where Jackson's popularity in the state had originated, did not at once relinquish its candidate to the East but cast its vote for him in 1828. Yet a restlessness or such harmony rapidly developed in that section after the election and the soil became fertile for the growth of Whig principles.<sup>1</sup>

In the meantime an issue had arisen in national politics which was to illustrate as graphically as had the Missouri controversy and the vote on the tariff bill of 1820 the diverging interests of the North and the South. A high tariff bill was proposed in Congress in 1827 and failed to become

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1. Cf. Western Carolina issues from Dec. 1., 1813 et seq.



law only by the casting vote of Calhoun as president of the Senate. In February of the following year the tariff measure since known as "the tariff of abominations" was enacted into law.<sup>1</sup> Though the opposition to this tariff measure, on the ground of unequal benefits to the sections, became general throughout the South, the direction given this opposition by South Carolina caused her sister southern states to halt in their support. Her remedy of nullification, deduced from the Virginia and Kentucky Resolutions of 1798, was to be practically applied by a sovereign state in the abrogation of Federal laws within her borders.

The tariff and nullification controversy, intimately bound up with a personal difference between President Jackson and Vice-President Calhoun, the great exponent of the nullification doctrine, extended over a period of five years. During this period North Carolina pursued the course she felt best fitted to secure a repeal of the obnoxious tariff and at the same time to preserve her original attitude toward state rights without endorsing the radical activity of South Carolina. Just after the tariff bill of 1827 so nearly became a

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1. Act, May 19, 1826.





law Governor James Iredell,<sup>1</sup> anticipating that the protectionists would again bring forward the measure at the next session of Congress, recommended to the North Carolina Assembly to put on record some form of protest. Accordingly a resolution was passed which declared that any increase of import duties by Congress was inexpedient and unwise.<sup>2</sup> That this simple resolution might the more effectively give the ear of Congress its preamble, while admitting that Congress had constitutional power to lay such duties, declared nevertheless that "interest, either pecuniary or political, is the great point of Union, from the smallest association up to the Confederacy of American States ; that whenever a system is adopted by the general government which does not equally conserve the interests of all the states the right rests with any state or states to question whether the benefits of the Union are not more than counterbalanced by its evils". This guarded expression of state rights sentiment was a blow in the water, the objectionable tariff being passed a month later.

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1. Message Nov. 29, 1827. Executive Letter Book, U. S. Gov.  
Iredell was the son of Judge James Iredell of the U. S. Supreme.

2. Journal of the N. C. Gen. Assy, 1827 - 28, p. 101.



With Adams' defeat by Jackson, November 1829, the belief became current in North Carolina that the tariff would be repealed as soon as the new administration took its definite course.<sup>1</sup> Events drifted, however. The Hayne-Webster debate occurred in January, 1830, and intensified interest in the strained situation. Though not yet ripe for action, the course South Carolina would pursue was a foregone conclusion. The question before the Union, therefore, was how far that state would be supported by the other Southern States.

For North Carolina this question was answered directly by the people on Independence Day. Fourth of July celebrations were held in nearly every county in the state and were made the occasion of a plebiscite on the South Carolina doctrine. The time-honored custom of opening to toasts was in vogue at political meetings and in this practice North Carolinians, inspired by the native vintage of corn, were not backward. At Ashboro the following verse inspired the orator of the day and evoked the applause of the people: "The Union of the States - united we stand, divided we fall! He who wantonly engenders a feeling of hostility between the States

2. This view was expressed in the newspapers and in Gen. Owen's message to Congress, Mar. 10, 1869. MS. Letter Book.



instead of "The Union is the Union" and "The Union is the Union". Let the Union be trusted". At Hillsboro : "State Rights and Federal Powers - In the line of demarcation between them, as drawn by the framers of the constitution, should be preserved and secured by the refinements of construction, our Union will stand throughout Time, as the proud monument of the capacity of a free people to govern themselves". At Fayetteville : "Our Sister State--South Carolina. We esteem her worth, but deprecate her example. We therefore hold her in Union a friend -- in disunion an enemy to our political institutions". Speaker vied with speaker everywhere in expression of dissent from South Carolina's doctrine, though at the same time care was taken to soundly rap the tariff. Calhoun's reasoning might be without a flaw but as yet the blessings of the Union were dearer to the people than statesmen's logic.

When the annual Assembly met in November it was expected to register officially the will of the people upon the subject. Anti-Millification Resolutions were accordingly introduced by Jonathan Worth, a Quaker member from Raleigh.

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1. The newspapers there and the State printed accounts of the many celebrations and their most popular leaders. These three have been carefully chosen as typical and as expressive of the general sentiment. They are in the Raleigh Register, July 15, 1850. See also the Watchman of same date.



County, and after a heated debate and six amendments, passed the lower branch by a vote of 87 to 27 in the following form:<sup>1</sup>

Resolved by the General Assembly of North Carolina: That although the Tariff Laws as they now exist, are, in the opinion of this Legislature, unwise, unequal in their operation, and oppressive to the Southern States, yet this Legislature does not recognize as constitutional the right of an individual state of this Union to nullify a law of the United States."

The twenty-seven members who opposed this resolution were extreme state rights men and were actuated by a fear that the repudiation of nullification might mean the first successful assault upon particularism. They therefore preferred to make no concession, even as to the questionable doctrine of nullification, unless the crisis became acute. The Senate agreed with the Commons minority, and refused to commit itself. The larger free-hold qualifications required for membership in the Senate made this branch of the legislature less responsive than the House of Commons to popular sentiment and more representative of the old Republicanism of the East. It passed resolutions which emphasized the reserved rights of the states

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1. House Journal, Dec. 31, 1830, p. 207.





and condemned the tariff as a usurpation of power by the federal government,<sup>1</sup> but it was not prepared to anticipate the popular branch and public sentiment further than to remain silent.

The famous Nullification Ordinance of South Carolina, the result of a State Convention in 1832, brought the nullification controversy to a crisis. The North Carolina legislature was in session when the ordinance was received. The Senate could no longer stay the tide of dissent. Some attempt was made to link the tariff with internal improvements and make the two together a cause for requesting all the States to meet in a federal convention for the purpose of giving an authoritative interpretation of all constitutional questions in dispute. But this plan failed and the two Houses thereupon came to an agreement and passed anti-nullification resolutions.<sup>2</sup> These resolutions contained both the declaration that the tariff was unconstitutional and that nullification was revolutionary and subversive of the constitution. They were thus a compromise between the conservatism of the Senate and the

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1. The Senate was inclined to the "lawyer resolutions". They were of a strong state rights tone. See N. C. House Journal, 1832, 175.

2. Senate Journal, 1832 - 33, p. 99; N. C. House Journal 1832 - 33, pp. 224, 225.



liberal tendencies of the Commons. The declaration that the tariff was unconstitutional satisfied the Senate and the East; the condemnation of nullification contented the popular branch and the West.

Numerous mass-meetings in the counties attested the harmony of the people with the action of the legislature.<sup>1</sup> The western counties greeted the South Carolina Ordinance with a storm of dissent and the popular voice of the East, though slightly confused as to the relation of nullification to state rights, was scarcely less condemnative in tone. The venerable Nathaniel Macon, now in voluntary retirement, drew the line of demarcation between the two doctrines and finally settled the doubts of his party-friends. In a letter to a friend he said: "I have never believed a state could nullify and stay in the Union, but have always believed that a state might secede when she pleased, provided she would pay her proportion of the public debt ; and this right I have considered the best safeguard to public liberty and to public justice that could be desired".<sup>2</sup> This was the essence of North Carolina particular-

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1. For reports of these meetings see Raleigh Register, Nov. 30, Dec. 7, Dec. 14, and Dec. 21, 1832. Also current issues of Carolina Watchman and Raleigh Star.

2. Macon to Samuel P. Carson, Feb. 9, 1833. Douglass, 300.



ism and when it was set forth by Wilson it met at rest the fears of a group of eastern politicians who, led by Daniel A. Claytor in the Assembly, had opposed the renunciation of the right of a state to nullify lest in so doing some portion of the original state-rights doctrine would be endangered.<sup>1</sup>

It was with a feeling of relief that North Carolina received the assurance sent forth to the states by Governor Harve that South Carolina would hold her ordinance in abeyance until the results of Clay's Compromise tariff measure of 1850 were known. This tariff reduction measure was passed by Congress but was accompanied by a bill for collecting the revenue under military supervision, if needful,. This latter bill, known as the "Force bill", served in part to placate the domineering spirit of President Jackson and to save the face of Congress.<sup>2</sup> But reduction of the tariff had brought relief to the strained situation. The nullification excitement was now practically passed. In North Carolina people suddenly ceased to talk or write about it. Its last echo was the introduction of a bill the following year to instruct the State's Senators and Representatives to use their endeavor for the repeal of

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1. Journal N. C. House of Commons, Vol. 24, 1852, 210.  
Claytor Resolutions.

2. Cf. Scholer, Hist. of United States, IV, 10.



the "force bill", which was deemed "inconsistent with the sovereignty of the States and, therefore, dangerous to the liberties of the people."<sup>1</sup>

The repudiation of the doctrine of nullification by North Carolina can in no sense be interpreted as a renunciation of state-rights as held at the time of the adoption of the Constitution. That the State was profoundly stirred by the excitement is true ; and the large number of popular meetings, held in consequence, offers an opportunity to study directly the spirit of the people, and at the same time show the tendency of the people of North Carolina, in contra-distinction to its political leaders, to take a direct personal interest in the policy of the state. Though these meetings almost uniformly registered protests against nullification, only one has been discovered by the writer in which the sentiment was expressed that the United States constituted one great political society and that the government thereof was essentially a national government.<sup>2</sup> On the contrary, there were evidences in the legislature, in mass-meetings, in the press,

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1. Journal of N. C. House of Commons, 1861, p. 229.

2. This meeting was held in Wilmington and was presided over by Ex-Governor Owen. Strangely inconsistent with this, Wilmington was the strongest secession centre in the State in 1860 - 1861. See Raleigh Register, Jan. 2., 1860.





and in private correspondence which showed a spirit anxious to find a way to repudiate the doctrine of nullification, but at the same time to save the original doctrine of state-rights. Mason's letter, already cited, probably expressed as accurately as could be done the attitude of the controlling force in the State.

The old training of the old Republicans between nullification and the older doctrine of state-rights moved them to retain supremacy in state politics until 1833. Jackson was uniformly supported through his two administrations. The President's veto of the Maysville Turnpike appropriation and his fight on the United States Bank were, to North Carolina Republicans, a fulfillment of their trust in him. These two factors caused the Assembly in 1831 to recommend him to the people for re-election<sup>1</sup> and again, in 1834, to instruct the State's Senators to vote for expunging from the records the resolutions of censure of the President by which the United States Senate had expressed its disapproval at his removal of the government's deposits from the United States bank.<sup>2</sup>

1. Resolutions. Laws of N. C. 1831-32, p. 200.

2. Three Southern States passed instructions in 1834 to their Senators--Alabama, Mississippi, and North Carolina. For the same controversy, and for a full account of the "expunging" see Boston's *Three Years View*, I, 37, 38 seq.



Out of the action of the legislature in instructing the Senators grew a contest which super-imposed upon the sectional differences of the East and the West, drew the final line of demarcation between the old Republicans and the young Republicans, or Democrats and Whigs. Willie P. Mangum and Bedford Brown were the state's Senators. Mangum, a latitudinarian of the Henry Clay type, refused to be instructed by the legislature and voted against the expunging resolutions in each instance.<sup>1</sup> Brown, a state-rights man of the Macon school was submissive to the mandate of his state. About the standards of the two senators two factions arrayed themselves and joined in a fierce contest for supremacy. Though the question of instruction was the nominal issue, the differences of the factions were much wider. Under the lead of Mangum were ranged all those who were anti-Jackson, pro-bank, for internal improvement of the Federal government, and who favored a reform in the State constitution. Brown led those who held to the opposite principles. In general Mangum's support was the West ; Brown's, the East. Both parties claimed Jefferson

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1. Benton, Thirty Year View, I, 322.

2. Cf. Dodd, Life of Macon, 311.



as their political leader. Both professed state-rights' principles. The Whig party, in an endeavor to eclipse its rival, now designated itself the "State Rights Whig party" during the first years of its existence. But co-operation with the National Whig party soon fostered the growth of a spirit of nationalism among the Whig leaders which was directly opposed to the particularistic principles of the State Democracy.

Under the guidance of Mangum and Governor David Lowrie Swain, the Whig party distanced its opponent and in 1835 was able to force constitutional reform upon the reluctant East. This victory was followed by a Whig regime of fifteen years duration.<sup>1</sup> In the meantime, as political power was about to slip from the grasp of the Democrats, the party of real particularism, it is pertinent to examine the question of slavery, over which, in an effort to retain supremacy, the danger cry was raised.

The first attention to slavery in the public councils of North Carolina after the subsidence of the Missouri Compromise excitement was that given in a message of Governor Gabriel Holmes to the Assembly in 1824.<sup>2</sup> The Governor called

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1. Since reform of the State Constitution was the lever by which the Whigs gained supremacy it will be treated in a separate chapter and as introductory to the Whig regime.
2. Executive Letter Book, Ms. Nov. 1, 1824.



attention to the large number of free negroes who, being emancipated by their masters, had emigrated to the island of Hayti and were now returning to the United States - particularly to North Carolina. In view of the fact that these were likely to have become inoculated with ideas of freedom not meet for the slave he suggested a law to prohibit the return of such persons to the state. No action was taken, however, until 1820. In this year a law was enacted to prohibit the entry of free negroes, by land or water, under a penalty of five hundred dollars fine. Failure to pay the fine subjected the delinquent to ten years servitude and removal from the bounds of the state within thirty days after its expiration or suffer a repetition of the service penalty. As to the free negroes already within the state the Act provided that any who were able to labor and yet spent their time in idleness and dissipation, should be committed to jail and, upon failure to give good security for future industry and good behavior, should be bound to service by the Court of the County in which the case fell. Children of such parents were also to be bound to service and taught a useful trade.<sup>1</sup> Care was taken to provide

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1. Laws of North Carolina, 1820, 18.





Care was taken to provide a jury trial in all such cases. In 1830 a law was enacted charging the poll tax of all free negroes to the person upon whose land they lived.<sup>1</sup> The laws were primarily for the purpose of protecting the slave from the influence of the Ishmaelites of his race.

Simultaneously with the founding of the American Anti-Slavery Society and the first issue of Garrison's Liberator in Boston, Massachusetts, North Carolina in common with other Southern States, as if in answer to the threat implied by the New England movement, began to tighten the cord on about her slaves. Thus the years 1830 and 1831 were years of unusual activity in slave legislation. The mere titles of the laws enacted will show their nature and object. The following illustrate their spirit : To prevent all persons from teaching slaves to read and write, the use of figures excepted ; to provide further punishment for harboring and maintaining runaway slaves ; to regulate emancipation of slaves ; to prohibit free persons of color from making and peddling outside the colony in which they reside ; and a supplementary act for the good government of free persons of color.<sup>2</sup> In the

1. Ibid, 1830 - 31, p. 31

2. Laws of N. C. 1830 - 1831, pp. 11 - 15. These laws were all passed between November 1830 and February 1831, six months previous to the Nat Turner Rebellion.



summer which followed the passage of these laws by North Carolina occurred the Nat Turner Slave insurrection in Southampton County, Virginia. Southampton bordered the North Carolina line and the wild pest extended over the border among the dense slave population of the contiguous counties.<sup>1</sup> Marriagesboro, The nearest North Carolina town, received many of the panic-stricken refugees from the disturbed area and quickly raised a troop of horse and dispatched it across the border to the seat of the trouble.<sup>2</sup> When the extent of the massacre became known wild alarm spread throughout the slave area of North Carolina. Rumors of slave risings flew thick and fast, from Marriagesboro on the north to Wilmington on the south and as far as Hillsboro to the westward. The town of Wilmington remained under arms many hours in anticipation of an attack by slave insurrectionists who were supposed to be gathering like a black cloud in Duplin, Sampson, and New Hanover Counties.<sup>3</sup> Raleigh was reported to be threatened from the southward and was put in a state of defense.<sup>4</sup> Hillsboro hastily

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1. Dreyer, The Southampton Insurrection, 36 - 40.

2. Wheeler, Historical Sketches, II, 110. Personal recollections.

3. Wilmington Recorder, Nov. 14, 1831.

4. Raleigh Register, Sept. 1, and Sept. 11, 1831.



organized a company of militia to be sent to the defense of the capital. Many other towns organized and drilled volunteer companies. The patrol system sprang suddenly into existence. The scare was genuine throughout the whole slave area of the state. Its immediate result was the trial and swift conviction of a number of slaves and free negroes on the charge of conspiracy.<sup>1</sup> The excited state of the popular mind had its reflex in the laws of the succeeding Assembly. Machinery was set up for the speedy trial of slaves in Capital cases. The law of 1741, which authorized Court courts to grant certificates to slaves permitting them to carry guns in certain cases was repealed.<sup>2</sup> But for the most part slaves received the protection accorded private property and the onus of the legislation growing out of the Southampton insurrection fell upon the free negro.<sup>4</sup> The Assembly seriously considered a bill which proposed to lay a tax of ten dollars on every negro poll in the state - slave or free - for the purpose of removing all free negroes to Liberia. The defeat of the measure seems to

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1. Six were living in New Hanover County, three in Duplin, and several in Sampson. *Wilmington Recorder*, Dec. 1, 1831; and *Raleigh Register*, Oct. 20, 1831, and *Ibid* Sept. 22, 1831.

2. *Laws of N. C. 1831* - 31, p. 20.

3. *Ibid*, 31.

4. See *Laws of N. C. 1831* - 32, pp. 10, 11, for new stringent laws as to this class of citizens.



have been due to the objection of slaveholders to the payment of the ten dollar tax on their slaves rather than to a consideration of the extra-constitutionality of such a measure.

The whole South had been keyed to a high tension by the circumstance and horrible detail of the sixty-five murders committed by Nat's band. A lasting impression was left upon the minds of all southerners. Therefore they were especially sensitive to abolition agitation at the North. Feeling was intensified by the literature now beginning to be circulated in the South by Northern apostles of abolition. The question became of large importance in congress and involved a determination of whether the United States mails should receive for distribution the class of matter which the Southern States viewed as incendiary. President Jackson recommended to Congress the passage of a law which would prohibit the distribution of such matter. Opposition developed among the Northern representatives and this controversy, together with the wrangle over the "gag-rules" and disposition of anti-slavery petitions had, by 1835, brought the South to the ragged edge of exasperation.

The Southern democrats, at the suggestion of Calhoun, soon came to the view that it was within the right of a state to determine what character of literature should circulate within its borders. Jackson's suggestion was not pressed,





though North Carolina was grateful to him for the good intent.<sup>1</sup> The State now strengthened her own laws regarding incendiary literature and passed resolutions which were her answer to agitators - in Congress or elsewhere.<sup>2</sup> These resolutions were of a strong state-rights tone and declared the competency of the state to legislate upon all questions calculated to influence slavery within her borders. She deprecated, therefore, talk of authority, advice, or persuasion from any source whatsoever and regarded the order of any of these as intrusive, whether by Congress, legislatures, or people of other States.

The excessive sensitiveness exhibited in these resolutions marked the seriousness with which the state regarded the rise of the abolition movement. Upon the question of opposition to such a movement there was no divergence of opinion in the state. Both parties condemned with equal vehemence the purpose Northern movement for the abolition of slavery in the District of Columbia. But the Democratic party of the state made slavery protection its creed and thereafter the "soundness" of every presidential candidate upon the slavery question was the condition of its support. The Whig party was

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1. Raleigh Register, Nov. 17, 1835.

2. Laws of N. C., 1835, Resolutions, p. 111.



never the party of the slaveholder in North Carolina and it was due to this that the Democrats were able in 1835 to carry the State for Van Buren,<sup>(1)</sup> Jackson's chosen successor, though the Whigs elected the governor, it was the first popular election for that office ever held in the State.

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1. Van Buren had given assurances, on inquiry from North Carolina Democrats, that he opposed any interference with slavery in the District of Columbia.  
See 30 Niles Register, 126.



## WHIG SUPREMACY: 1835-1850.

## Chapter III.

When the revolted province of North Carolina framed her constitution in 1776 the constitution makers, regarding the counties as equal in population, accorded to each the right to elect a senator and two commoners to the General Assembly. This arrangement was not equitable at that date. The swamp and marsh region which fringed the coast and shut in Albemarle and Pamlico sounds was divided into very large and thinly settled counties. To the westward the swamp region gave place to a rich alluvial district which was free from the ills of the swamp area and, though extending beyond the upper limits of tide-water, was in easy communication with the sea by means of the great rivers, the Roanoke, the Tar, the Neuse and the Cape Fear. This area, containing the bulk of the population of the state, was divided into counties of normal and convenient size. These small but populous and healthy counties made up an irregular double tier which extended across the state from north to south approximately parallel to the general coast line.

Behind these, to the westward, began the back-country, where

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(1) In addition, six towns, four in the East and two in the West, were each given the right to elect a borough member to the lower House.



population again grew apace and the counties correspondingly large.

As these large back counties began to fill up they grew dissatisfied with the basis of representation. Increase in population did not bring an increase in representatives as long as representation was based on counties. To split up the over large western counties as their population increased was the natural course for the State government to pursue. But the central eastern counties, in contest by virtue of their number, refused assent to any plan whereby their existing advantage would be destroyed. Hence an Eastern and Western party came into being. An imaginary line, definitely fixed in the minds of the people of both sections, ran across the state somewhat to the west of Raleigh (1) dividing the East from the West as effectively as a natural barrier would have done. Dissimilar interests, opposite purposes, and often hostile feelings animated the two sections and urged them to a prolonged contest. (2)

A method of correcting the inequalities of representation other than by a division of counties was to re-

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(1) Cf. Speech of Wm. Gaston in N.C. Constitutional Convention of 1835. Debates, 124, et seq.

(2) The differences between the East and the West after 1789 were in reality a continuation of the old pre-Revolutionary ill feeling that had culminated in the Regulators' War of 1769-71. The basis of representation adopted by the constitution makers in 1776 gave the controversy a new lease of life.





form the State constitution in such a manner as to admit the state to be divided into districts according to population and taxation and these districts made the basis of representation. The West urged such a reform as early as

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1790, and continued to press the movement from that date.

At each successive annual assembly petitions were presented for a reform in the constitution or for a just division of

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the western counties. The East as constantly refused to make any concession. By 1818 the inequalities in representation had grown to so great that the demand of the West for reform became a threatening danger. The use of force was

freely discussed and revolution, though deprecated, as a last resource was not counted among the improbabilities of

(3)

the strained situation. The West, containing twenty-eight counties, now had a majority of the population of the State. But the East, made up of thirty-four counties, had a final majority in the General Assembly.

In the legislative term of 1819-1820 the Western members made a determined effort to induce the East to come to equitable terms. The demand for a reform in representation

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(1) N.C. State Records, XXI., 1052.

(2) Raleigh Register, Dec. 3, 1799.

(3) Cf. "Senator of Lincoln County" in Raleigh Register, Jan. 8, 1819.



tion was coupled with demands for the popular election of the governor and for the general reform in the revenue and judicial systems. Debate upon the resolutions embodying the Western plan of reform occupied nearly the whole of the legislative term. The main position of the Eastern members, as developed in the debates, was, that a just and republican principle did not require that members alone should govern; that one of the most important ends of government was the protection of private property; that counting property in slaves, the East was decidedly the wealthier of the two sections and, therefore, the existing mode of representation operated justly. This argument served to defer concession, the reform resolutions being defeated by a strictly sectional vote.

Despairing of legislative concession the Western members of the Assembly determined, in 1822, to appeal directly to the people. Accordingly, after a caucus meeting they issued a call for a popular convention to meet in November of the following year to consider the question of reform. Extra-legal in its origin, this convention met at

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(1) N.C. Senate Journal, Dec. 2, 1819.

(2) These debates are published in Raleigh Register, beginning Dec. 10, 1819, and continuing for several months in its weekly issues.

(3) Slaves were not, however, at this time, or ever afterward, taxed as property. A poll-tax of 50 cts. on all slaves between the ages of 15 and 50 years was the heaviest



Raleigh on the date designated, delegates from 24 of the  
 (1)  
 28 Western counties being present. No delegates appeared  
 from the East. The ten days' session of the Western con-  
 vention accomplished but poorly the purposes for which it  
 met. The main purpose had been to impress the East with  
 the strength of the reform movement. But this object was  
 almost wholly defeated by the development of a lack of har-  
 mony among the delegates present.

A committee of five, appointed to draft amendments  
 to be prepared by the convention to the people, found great  
 difficulty in reflecting the will of the delegates as to  
 the kind of reform needed. The extreme western or moun-  
 tainous counties, in which there were practically no slaves,  
 wished free white population to form the basis of repre-  
 sentation. The middle western counties, contiguous to the  
 East and already large slave-holding counties, wished fed-  
 eral numbers to form the basis. The will of the latter  
 prevailed in the committee and the amendment relative to  
 representation proposed that 4000 of federal population should  
 should be the unit of representation in the commons and  
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 tax ever levied on this species of property in North Caro-  
 lina.

(1) The proceedings of this interesting convention appear  
 in Raleigh Register, Nov. 14, 1838, and Nov. 1, 1839. Also  
 in Raleigh Star of same dates.

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10,000 the unit for the Senate. B. This arrangement, should the state subsequently adopt the measure, the mountain counties would gain nothing, the East would lose nothing, the slave counties of the middle West would become identical in interest with the East and further reform be put off indefinitely. In the effort of the middle western counties to convince the East of their conservatism the (1) amendments proposed failed to include the abolition of the rotten boroughs or the popular election of the governor measures for which the whole West had formerly made demands.

A second committee prepared statistical facts relative to the counties represented in the convention and those unrepresented and reported as follows:

Free population of entire State	-	433.912
" " of represented counties	-	233.933
" " " unrepresented "	-	199.979
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Majority of represented counties	-	33.954
Federal members in whole State	-	556.693
" " in unrepresented counties		224.234
" " " represented "		332.431
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Difference in favor of unrepresented counties	-	11.345
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(1) Raleigh Register, Nov. 21, 1888, contains all the





The committee further reported that the amount of taxes paid by the counties unrepresented in the convention was, ap-

proximately, \$10,000 more than that paid by the counties  
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represented. Hence the West had failed to prove its case, unless it was granted that free population should be the basis of representation - an assumption which the East had long since denied. Having adopted the reports of the various committees and recommending a constitutional convention to the people the Western convention adjourned, evidences of the lack of harmony not being absent.

The succeeding General Assembly promptly refused to call the convention recommended or in any way to further  
(2)  
the suggestions of Western Convention. This action by the Assembly was tantamount to a declaration by the East that it would not meet the overtures of the middle western counties nor concede them a share in the control of the state.

They were forced, therefore, to remain united with the mountain counties. The issue was accordingly kept alive,

(2)  
the fight immediately renewed and continued without intermission. Amendments recommended. After that relative to representation, biennial instead of annual assemblies was perhaps the most important.

(1) The population statistics were based on the U.S. census report of 1820 and the tax statistics on the State comptroller's report for the same year.

(2) Journal of N.C. Gen. Assembly, 1823, 1824.

(3) Carolina Watchman, June 18, 1824.



permission for another decade.

Already the two sections had attached themselves to opposing leaders in national politics, in 1824 the West supported Jackson for the presidency and the East supported Crawford. In 1828 when the East adopted Jackson as its candidate the West grew luke-warm in his cause and by 1832, was definitely aligned with the new Whig party under the leadership of Henry Clay. Under the banners of Whig and Democrat the fight between the sections over constitutional reform now drew toward a conclusion favorable to the West.

At the election of Assemblymen in August, 1833, the Western or Whig party opened polls in thirty-three counties for a record of the people's votes for or against a convention. This polling was extra-legal and was conducted only in the Western counties and in several detached Eastern counties which had been converted to reform. But the result was 30,000 votes for, and only 1000 against, the convention. This demand for reform was too loud to be ignored. When the Assembly met in November a joint committee of the two houses reported that, in its opinion, had polls been opened throughout the State and under the sanction of law a large majority of the people would have cast their votes

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for a convention. The committee, therefore, recommended

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(1) N.C.Legislative Documents, 1833, 94.



constitutional amendment and suggested that either of two methods might be employed, - (1) a convention of the people, (2) legislative amendment. But of these two methods the committee, a majority of which were Eastern members, recommended legislative amendment, the results afterward to be submitted to the people. (1) The legislative method would place constitutional amendment in the hands of the friends of the Constitution, i.e., the East, which had control of the legislature. The Western members, however, refused to hear anything of this plan and continued to demand a convention. In consequence there was a deadlock and the session closed without agreement. (2)

The Raleigh Register, favorably situated for accurate observation, summed up the civil state of North Carolina politics in the following mild terms: (3) "The members of the North Carolina Assembly are split into factions under the well-known standards of the 'East' and the 'West', the 'Roanoke' and the 'Cape Fear', and even when a revenue bill is to be considered their votes depend very much upon the circumstance from what quarter of the State its mover

(1) The Constitution of 1776 provided no plan for its amendment, hence the choice of methods.

(2) Journal N.C. General Assembly, 1784, 184. Final compromise was carried by only four votes in the commons.

(3) Raleigh Register, June 11, 1843.



comes. Unaccustomed to consider subjects upon their merits, the crowd look only for their leaders. If the mover of a measure comes from the East the opposition of the West is assured, and vice versa". Such a condition of affairs had according to the Register wrought distraction and confusion in every branch of the Government and completely closed political energy and progress.

But a very remarkable man was now governor of North Carolina and determined upon reform, David Lowrie Swain. He was born in Buncombe County - the very heart of the supposed mountainous area of North Carolina. His father was a New Englander who had settled in Georgia and later removed  
(1)  
to Western North Carolina. Without early education advantages other than the little mountain hamlet of Asheville afforded, the younger Swain was a practicing lawyer at 22 years of age, a member of the General Assembly from his 24th to his 29th year - one year excepted - a judge of the Superior Courts at 30, governor at 31, and president of the State University at 35. Swain owed his rapid advance in political preferment to his intuitive understanding and appreciation of the qualities of his fellowmen and the confidence with which he inspired them. In every sense he was

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(1) Wheeler's Reminiscences, 57-58 for facts of Swain's early life. Also Wheeler's Historical Sketches, II, 22.





a man of the people, and though sprung from the West, he was equally trusted by the East. Inclined toward Whig principles he was nevertheless elected governor by the Assembly in 1832, 1833, and 1834, and held himself sufficiently neutral between the sections to bring about the attempt at agreement made in the legislature in 1833. The failure of this plan aroused him to further effort and his message to the Assembly, November 17, 1834, began a new epoch in the political life of the state. Rising above sectional and party strife he dealt with the subject of reform as a means to reinvigorate every department of the state's activity. He reviewed the sectional controversy from its origin in colonial times down to the present and pointed out the utter impossibility of wise or liberal legislation until such conditions were ended. (1)

Swain's position, together with the force derived from Mangum's thorough organization of the Western or Whig party, now caused the East to give way and in January, 1835, a convention bill was carried. The bill provided that a popular vote should be taken on the question whether a majority of the voters should approve the convention then

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(1) This reform message of Gov. Swain is published in 47 Miles' Register, 221, and in all N.C. State papers of date

(2) Public Acts of N.C., 1834, 35, Chap. I., part 1.



the Governor should fix a day for the election of delegates and a day for the convention. The convention act defined the limits of the convention's power in regard to representation. The bill provided that the senate should be made to consist of not less than 34 nor more than 50 members, to be chosen by districts according to public taxes, and the commons of not less than 90 nor more than 120 members apportioned by districts according to federal population. Thus, after all, the vital question of representation was determined by the East and in such a manner that the privileges of the old slave area remained unaffected. Nothing would be lost by this section in the change from the county basis to federal population basis - for it possessed the bulk of the slaves. In fact there would be a gain in that the limits of the East would be extended farther westward and made to include all the slave counties of the state.

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Where, however, the popular vote was taken on the convention question in April every Western county save one gave majorities for the convention and every Eastern county gave majorities against it. But the total majority for the convention was 5856 votes. The election of delegates

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(1) Official returns, Vote by Counties, N.C. Standard, April 24, 1835.



(1)  
 secured a few votes later. The Convention assembled in Raleigh, July 4, and remained in session until July 11. The aged Nathaniel Macon came forth from his retirement to act as chairman and preside over the destinies of his state while the younger generation laid hands on its Constitution.

The reforms made by the Convention of 1835 may be briefly summarized. The election of governor was given to the people and the term of office increased to two years. Assemblies should meet biennially instead of annually. Sheriffs were henceforth to be elected by the people of the respective counties. Religious tests for officeholders and borough representatives were abolished. Free negroes were disfranchised. The senate was therefore to consist of 50 members and the commons of 120 chosen according to the provisions of the enabling act already noted.

The question of representation was now settled apparently to the mutual satisfaction of the whole slave area. Speaking broadly and disregarding the Quaker strongholds in Randolph, Chatham and Guilford, the slave area now included the whole State east of the foot of the Blue Ridge mountains.

(1) Two delegates from each county composed the Convention being elected on the same basis as the members of the commons. This assured a majority in the Convention to the East.



tains. If, after old scores were forgotten, sectional strife should be renewed the issue would be between the strong slaveholding sections and the weak mountain counties. Yet, in 1865, it was confidently expected that mining and manufacturing would cause the spread of slavery into the  
 (1)  
 mountains. But this prophecy was never fulfilled to any large extent, and twenty years later the mountain counties, in political combination with the marsh counties of the sound region, were ineffectually demanding free white manhood suffrage as the basis of representation.

Governor Spaight in November laid the amended Constitution before the people. The counties on opposite sides of the old sectional line, totally unused to agreement on any question, voted according to habit, each Western county giving a majority for ratification and every Eastern county, save one, a majority for rejection. The total majority for ratification, however, was 5165, being practically the same by which the convention had been called. The new or amended Constitution went into operation at the beginning of 1869 and in August the first popular

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(1) Debates, N.C. Constitution of 1865, 139.

(2) Each successive census marked a slight increase in the small number of slaves in the mountain region of North Carolina, but they were never sufficiently numerous to influence the political views of the people.





election for Governor was held under its provisions. The result was a victory for the Whig or Western party.

Though the Whig party now assumed the responsibility which had rested in the hands of the old anti-federal or state rights Republican party since 1793 it had as yet developed no principles antagonistic to state rights doctrine. Indeed for the first few years of its existence in North Carolina the Whig party was known by its adherents as the State Rights Whig party. But the application of a name did not enable it to usurp the place of the old Republican, now the Democratic - party which, in the minds of the people was always identified with strict construction principles. Moreover, the affiliation of the local with the national Whig party soon made the profession of strict construction principles inconsistent for the North Carolina Whigs. The sectional party, swayed by its stronger northern section, more and more tended toward liberal construction. To be strict constructionists in State and liberal constructionists in national politics placed the local Whigs in an equivocal position of which the Democrats were not slow to take advantage.

The Whigs retained their northern supremacy for fifteen years, however. Their power to do so was derived from two main sources: first, the perfection in organization



attained in the struggle for reform; second, the faithfulness with which the leaders reconciled the inconsistencies of their local and their national politics. Both of these factors were essential to supremacy, for, the period of the Whig regime, 1835 to 1850, was the period in which the national Whig party developed strong tendencies toward old Federalist principles. It was the period of the struggle over the re-charter of the United States bank; the period in which Texas was annexed and the Mexican War began and concluded - in the train of which came the renewal of the controversy over slavery extension. Each of these issues included constitutional points upon which the national parties could and did disagree. But this privilege of disagreement, at least in so far as slavery was included, was denied the local parties in North Carolina. The political edifice of the local Whigs, therefore, rested upon an insecure foundation from the date of its erection in 1835 until it toppled to its ruin in 1850 during the excitement attendant upon the second great slavery compromise.

The local Democrats knew well the potency of the argument against their opponents that danger to slavery lurked in the councils of the Northern Whigs. The North Carolina Whig, therefore, from the date of their supremacy, -----  
(1) Standard, March 21, 1837.



were forced to condemn with Democratic vehemence the evident tendencies of their Northern partymen. The reception of the Vermont resolutions in 1837, asserting the right and duty of the Federal government to abolish slavery in the District of Columbia, afforded such an instance. (1) Both parties alike applauded Calhoun's speeches against the reception of petitions by Congress for abolition in the District, and both as heartily condemned Adams for their advocacy. (2)

When the demand for the annexation of Texas grew strong in all the South and Henry Clay, the great Whig oracle, opposed it on the ground that acquisition of new territory was but sowing the seeds of strife over slavery the North Carolina Whig press, ignoring Clay's attitude, pointed out the peculiar importance of Texas to the slaveholding states and declared that with the acquisition, abolition in the District, or elsewhere - might forever be set at defiance by the South. In fine: that "the annexation of Texas is essential to the future safety and repose of the Southern States of this Confederacy". (3) The Democrats themselves were not more ardent for Texas. The difference in attitude of the two local parties lay in the

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(1) Raleigh Register, May 9, 1837.  
 (2) Star, May 21, 1837. Raleigh Register, March 22, 1837.  
 (3) Star, Aug. 23, 1837.



fact that, for party purposes, Southern Whigs felt it necessary to concede to their Northern allies that annexation ought not to be accomplished at the risk of war with Mexico. The refusal of the United States Senate to ratify the annexation scheme of 1838 caused the question to lay for a time, giving place in popular interest to the presidential election of 1840.

Despite his declared opposition to the annexation of Texas, Clay was decidedly the favorite of the North Carolina Whigs for the party nomination in 1840. (1) When, however, General Wm. H. Harrison received the nomination instead, his candidacy soon awakened unusual enthusiasm in North Carolina, as elsewhere. In the general tumult accompanying this campaign, unique in American politics, party principles were well-nigh forgotten. Van Buren, Democratic candidate for re-election, was held equally responsible with Jackson, his predecessor and patron, for the financial crisis of 1837, for perversion of the federal patronage, and for the general executive usurpations of the last two (2) administrations. The national Whig platform, reform, was especially congenial to the local Whigs because their party had come to power on that issue in State politics.

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(1) Raleigh Register, Dec. 10, 1838 and July 6, 1839.

(2) Cf. Schouler, Hist. of N.C. IV., 341.





The gubernatorial contest in August, 1840, was a decided Whig victory and foretold success in November. John Motley Morehead, with internal improvements as the issue, was elected over Romulus M. Saunders, the Democratic candidate, by a majority double that of the Whig success of

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1838. The vote plotted by counties showed that the Whig party was coming to enjoy the confidence of a number of Eastern counties. The old solidarity of the sections was beginning to be broken up by the alliance of the coast counties with the West. The Whigs began to feel firmly entrenched. Their confidence seemed still further warranted when the results of the presidential election in the State were known. Harrison's electors had been chosen by a majority of 12,594, the total vote polled being the largest

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in the history of the State. Harrison's overwhelming victory throughout the country seemed to the North Carolina Whigs a guarantee of stability and future harmony for the

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party.

The task of conserving the power now held by the Whigs in the State was to tax the efforts of the able Whig leaders who had created it. The foremost of these leaders

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(1) Raleigh Register, Sept. 8, 1840.

(2) Official returns compared. Raleigh Register, Nov. 27, 1840.

(3) Ibid., same date.



were Willie Person Mangum, William Alexander Graham, George Edmund Badger, and Thomas Lanier Clingman. They did not force the State into a position of national prominence, for this was not the genius of her people, but they held her to the Whig allegiance during a decade in which the real interests of the South seemed to be represented by the Democratic party. Their position was a difficult one. The problem before them was, on the one hand, to preserve the unity of the Northern and the Southern sections of the party, and on the other, as practical politicians, to inspire the local Whigs with confidence in the national Whig policy. In the solution of this problem three of these leaders, Mangum, Graham, and Badger, together with numbers of their followers, caught a spirit of nationalism which, in the succeeding decade, came into violent conflict with the spirit of State individualism upon which the South relied when she felt her institutions threatened.

Of the triumvirate composed of Mangum, Graham, and Badger, the first two were in the United States Senate and Badger had recently been appointed secretary of the navy by President Harrison. Mangum had been the longest in public life and was regarded as the Nestor of the local party. As the leader of the Western party he forced his election to the United States Senate in 1831. With a watchful in-



terest in State politics Mangum then arrayed himself as an  
opponent to the personal government of President Jackson and  
and sought to crystallize what local sentiment existed  
against Benton's Expurgings Resolutions and against the leg-  
islative practice of instructing senators. In 1836, how-  
ever, he failed of re-election because he had refused to  
follow legislative instructions on "Expurgings", and only  
entered the senate again when, in 1840, the Whigs had se-  
cure control of both branches of the North Carolina Assem-  
bly. Upon the death of Harrison and Tyler's elevation to

the chief magistracy Mangum was elected permanent president  
of the senate and served through the term of the adminis-  
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tration. Granam, like Mangum, was from the West - both  
(2)  
being residents of the same county. Both were slavehold-  
ers and in every sense identified with the slavery regime  
yet both were, and remained, thoroughly opposed to the rad-  
ical tendencies of the South on the question of state-  
rights.

The North Carolina Whigs were in thorough sympathy  
with the purpose of the national party to re-charter the  
United States bank and restore the country to a sound and  
uniform currency. The State had suffered its full share in  
the crippling of the local banks during the financial strain

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(1) Wheeler, II., 336. Historical Sketches.

(2) Orange.



gency of 1838 and the people for the most part attributed the result to Jackson's destruction of the United States bank. (1) Eight of the State's congressional delegation in 1841 were bank men and five were anti-bank men. It is probable that these members represented the proportional strength of the two parties. When Clay's first bank bill was under discussion in June, Graham and Mangum both stated in the Senate that the North Carolina Whigs were unanimous for the re-charter of the bank, and that many of the other party were favorable provided it could be done without their cooperation. (2)

When Tyler vetoed the first bank bill brought forward by Clay and a rupture of the party was imminent, North Carolina Whigs continued to hope for some means to promote harmony. (3) But when the second veto followed it was seen that Tyler must be thrown overboard, no sign of hesitancy was apparent. Badger, with the full approval of the local party, (4) together with the remainder of the cabinet, Webster excepted, at once resigned. Mangum, from his position of influence in the Senate, directed the formal caucus at Washington which resulted in the Whig "Manifesto" that read

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(1) Raleigh Register, April 13, 1841.

(2) Congressional Globe, June 24, and June 25, 1841.

(3) Raleigh Register, Aug. 20, 1841, and Star, Aug. 25, 1841.

(4) Raleigh Register, Sept. 17, 1841.





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Tyler out of the party.

The break with Tyler did not affect the local situation. The Whigs showed a unanimity quite equal to that claimed by Mangum and Graham in the Senate and were in nearly support of Clay upon his issue with the administration. In the following year the Kentuckian's flag was nailed to the mast. But just before the national nominating convention in 1844 Clay visited the State and made several speeches which, though received with enthusiasm by his large audi-

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ences, nevertheless had a decided tendency to decrease the number of his followers. In his speeches, and in a letter to

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the general public dated at Raleigh, he took the ground that Texas should not be immediately annexed. The leading Whig journals in the State, however, handled the subject with care and caution, expressing the desire to see Texas added to the Union, though not at the expense of the honor

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of the country. When Clay was nominated it was inevitable that his position on the Texas question would alienate the most considerable portion of his support in the South. In the summer the outcome in North Carolina seemed very doubtful. The gubernatorial election occurred in August, result-

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(1) Benton, Thirty Year View, II., 357.  
(2) Star, April 17, 1844.  
(3) 36 Niles' Register, 449, and National Intelligencer, April 27, 1844.  
(4) Raleigh Register, May 2, 1844, and Star, May 1, 1844.



ing in a victory for Graham, though by a majority reduced to one-half that secured by Governor Morehead in 1842.

In November it was found that the Whig margin was still further reduced. Clay carried the State by 3943 votes only, a majority equal approximately to one-third that given Harrison in 1840; and yet an even larger total vote had been

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cast in 1844 than in 1840. South of the Potomac only Kentucky, Tennessee, and North Carolina were now in the Whig column. The other Southern States that had been Whig in 1840 had, under the stress of the demand for Texas, transferred their allegiance to the Democracy. (2) The strong organization of the Whigs in North Carolina and the personal popularity of the candidate, notwithstanding his attitude toward Texas, saved the State to the Whigs at this time when the opposing candidate, Polk, stood for the enlargement of the slavery area.

(3)

After the removal of the fear of losing Texas the North Carolina Whig leaders believed the opportunity had come for regaining their lost strength and for welding the whole Whig party into unity. To this end they firmly sup-

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(1) The official returns, Raleigh Register, Nov. 24, 1840 and Ibid., Nov. 19, 1844.

(2) Georgia, Louisiana, and Mississippi, had cast their electoral votes for Harrison in 1840.

(3) President Tyler secured the annexation of Texas four days before he gave place to Polk.



ported the policy of a protective tariff. By 1836 the State nominating convention was fully developed, thus making possible a much clearer insight into party principles. At these conventions each party spread its platform before the people in sets of printed resolutions which within themselves are instructive political documents. Since the election of a Whig governor in 1836, and the beginning of the Whig regime, the tariff or protective policy had entered into all the political contests of North Carolina. (1) The Tariff act of 1842, and the protective policy generally, had been fully and freely discussed from the mountains to the sea. The result had been that the party favoring a tariff which would yield sufficient revenue, and at the same time so discriminate as effecting to protect the manufacturing and working interests of the country, had in each instance since 1836 elected the governor. It had been alleged in 1840 that if a Whig president was elected the protective policy would be fastened upon the country; yet the Whig candidate received the vote of the State. The death of Harrison and the troubles which arose in the Whig ranks upon the accession of Tyler produced apathy and despondency in the local

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(1) Cf. Speech of Alfred Lockery, of North Carolina, July 23, 1846. Cong. Globe, 1 sess. 29th Cong. 1160.



Whig party as elsewhere. Hence, though the Whigs elected the Governor in 1842, the Democrats gained a temporary majority in the legislature and in that year elected William H. Haywood as United States Senator to succeed William A. Graham. Haywood entered the Senate as a Democrat in full accord with his party. But in 1846, when the Polk tariff act was passed to reduce the Whig tariff of 1842, Haywood, believing that the Whig measure was best for the country, (1) resigned his seat rather than vote for the reduction bill. Naturally Haywood was repudiated by his party; but his action was indicative of the strength of protective sentiment in North Carolina. George E. Badger was forthwith elected by the Whig legislature to fill Haywood's place. Badger like his colleague Mangum, favored a tariff which would make the United States industrially independent. The State Whig convention of 1846 declared for a higher tariff on imports, "a tariff which furnishes incidental protection to commerce, agriculture and manufactures", rather than that (2) the revenue should be increased by direct taxation."

As an agricultural and slave state the position of North Carolina upon the tariff may very properly be termed unwise; but an examination of the facts make it impossible

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(1) Congressional Globe, 1 Sess. 29th Cong., 1141.

(2) Raleigh Register, May 1, 1846. Proceedings of the Whig State Convention.





to conclude that her attitude on the tariff question was altogether, or even in large part, the result of a desire to conciliate the Northern Whigs. Undoubtedly such a desire had weight. But there had also long existed in the State, especially in the West, a belief that the immense water power of the rivers, could, and, one day would, be utilized for the growth of large manufacturing interests. (1) Yet it must not be supposed that the North Carolina Whigs were favorable to an outright protective tariff- one in which the revenue feature was lost sight of, or made distinctly secondary. Such a tariff was not a part of the national Whig policy during the fifteen years of Whig supremacy in the Senate

The attitude of the North Carolina Whigs on the subject of the United States bank and on internal improvements has already been noted as in full accord with the national Whig policy. Hence only one great issue, that of slavery restriction, remained upon which the State party could not act in harmony with the national party and still retain supremacy. This issue was now looming into the greatest prominence, and, if the Southern Whig leaders failed to impress upon the whole party the importance of conservatism then

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(1) Carolina Watchman, May 17, 1846.



the whole Whig fabric would be destroyed.

Already there were causes for distrust of the trend of national Whig policy. That a large addition of territory on the southwest would result from the war with Mexico begun by the Democratic administration was a foregone conclusion. That the Northern Whigs purposed that the addition should not be an enlargement of the area of slavery was shown in the terms of the Wilmot Proviso introduced (1) into Congress in 1846.

When, in 1846, the Wilmot Proviso was attracting its first considerable attention, North Carolina was in the midst of an exciting gubernatorial election and gave little heed to external politics until it was over. Graham, the Whig candidate for re-election, had tactfully avoided national issues in the campaign and had emphasized such State questions as education, better highways, and railroads. (2) The "proviso" received little attention from either party. Graham secured his election by a much larger majority than in 1844.

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(1) The object of the Proviso was to prohibit the introduction of slavery into any part of the territory to be acquired from Mexico. Northern Whigs, aided by Northern Anti-slavery Democrats, pushed the measure through the House in 1846, and in consequence the whole South was soon awakened to its danger. See Benton, Thirty Year View, II., 694.

(2) Raleigh Register, July 25, 1846.



Not until February, 1847, did an expression come from a Whig source that might be taken as an authoritative expression of the Whig party sentiment relative to the Wil-mot proviso, now so persistently urged. The Raleigh Reg-

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ister, the official mouthpiece of the party, now spoke in no uncertain tone. Definitely setting forth the breach of sympathy between the Northern and Southern divisions of the

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party, it said: "The uncertainty with which the members of both parties from the non-slaveholding states have supported this slavery restriction proviso convinces us that we have no right to expect justice at the hands of either. It behooves the whole South, then, to cast about, and decidedly and unflinchingly resist any and every project which must inevitably tend to advance the unholy and mischievous purposes of those who have openly and willingly violated the Missouri Compromise. \* \* \* \* \* It is time for party distinctions to sleep, and for the South to present a united front." The rank and file of North Carolina Whigs were already as ardent supporters of the war with Mexico as were the Democrats. But the Whig leaders were more mindful of the danger of wrecking the whole party upon the rock of the

(1) Raleigh Register, Feb. 28, 1847.

(2) Congressional Globe, March 10, 1847.



proviso. Senator Badger's plan was one of preventives rather than cure. He opposed the whole plan of acquiring Southern territory by any method whatsoever. "Suppose", he said, "the territory now sought be acquired, now shall we dispose of it? Now shall we escape the agitation of the slave question - an agitation which, come when it will, must shake the Union to its centre, alienate one portion of our people from another, and either destroy our national existence or leave it without the support of mutual confidence or mutual kindness." (1) Mr. Clingman, in the House, was endeavoring to induce the Northern Whigs to meet the Southern wing of the party on some middle ground. In December he made a notable speech (2) to the House in which he attacked the abolitionists of the North and the disunionists of the South with equal vehemence. He urged the Northern Whigs to agree to a division of the prospective territory by an extension of the Missouri Compromise line westward to the sea. Any conclusion, however, seemed yet afar off.

When Congress met in December, 1847 the Whigs had a majority in the house of Representatives. Accordingly, a

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(1) Congressional Globe, March 23, 1847.

(2) Speeches and Writings of Thos. L. Clingman, 196.





resolution was passed which declared that the War with Mexico was unconstitutionally and unnecessarily begun by President Polk. Four North Carolina representatives, among whom was Clingman, voted for the resolution. Two others (1) were absent who would have voted affirmatively, the six making up the Whig delegation. Senators Badger and Mangum also favored such a declaration. Though technically this declaration may have expressed an historical fact, its support by the North Carolinians was clearly a part of their policy of conciliation and ingratiation, used for the purpose of promoting party harmony. The State Whig convention of 1848 registered this edict of the leaders and reinforced it by a declaration that the local party was entirely opposed to forcibly wresting from Mexico any part of her territory. (2)

This spirit of self-righteousness manifested by the North Carolina Whigs, though clearly meant for party purposes and as a means to an end in practical politics, laid them open to an attack from the Democrats on the score of recreancy to Southern interests and Southern rights. The Democratic convention characterized the resolution as giving-----

(1) Standard. Jan. 12, 1848.  
(2) Raleigh Register, Feb. 25, 1848.



ing aid and comfort to the enemy. The resolution, linked with the Wilmot proviso, was almost more than the local Whigs could bear in the way of party adversity. Undoubtedly they were in a precarious position. Totally opposed in principle to the spirit animating the great body of Northern Whigs upon the subject of slavery extension, yet dependent upon harmony for its existence, the party found increasing difficulty in maintaining itself. But the power of its leaders and the excellence of its organization again elected a Whig governor in 1843; and these factors, reinforced by the fear of the Democrats that Lewis Cass, the Democratic nominee for president, was not sufficiently pro-slavery, placed the State again and for the third time successively in the Whig column, giving its vote to the successful candidate, General Zachary Taylor.



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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text outlines various methods for organizing and storing data, including digital databases and physical filing systems. It also mentions the need for regular audits and reviews to ensure the integrity of the information.

2. The second section focuses on the role of communication in the organization. It highlights that effective communication is crucial for coordinating efforts, sharing information, and resolving conflicts. The text provides guidelines for both internal and external communication, stressing the importance of clarity, brevity, and timeliness. It also discusses the use of various communication channels, such as email, meetings, and reports, to ensure that all stakeholders are kept informed.

3. The third part of the document addresses the issue of resource management. It explains that resources, whether human or material, must be allocated wisely to achieve the organization's goals. The text describes different techniques for identifying, assessing, and prioritizing resources. It also discusses the importance of monitoring resource usage and making adjustments as needed to avoid waste and ensure that resources are used efficiently.

4. The final section discusses the importance of continuous improvement. It states that organizations should not be satisfied with the status quo but should actively seek ways to enhance their performance. The text outlines a process for identifying areas for improvement, implementing changes, and evaluating the results. It also mentions the importance of fostering a culture of innovation and learning, where employees are encouraged to share ideas and take initiative.





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2. The second part of the document focuses on the implementation of the proposed changes. It details the steps involved in the process, from the initial planning stage to the final execution. This section also addresses the potential challenges that may arise during the implementation phase and provides strategies to overcome them.

3. The third part of the document discusses the impact of the proposed changes on the organization's overall performance. It highlights the expected benefits, such as increased efficiency and cost savings, and provides a detailed analysis of the potential risks. This section also includes a comparison of the current state of the organization with the proposed changes, illustrating the expected improvements.

4. The fourth part of the document provides a summary of the key findings and conclusions. It reiterates the importance of the proposed changes and the need for continued monitoring and evaluation. This section also includes a list of recommendations for future actions, ensuring that the organization remains committed to the principles of transparency and accountability.

5. The fifth part of the document is a conclusion, summarizing the main points of the document and providing a final statement on the importance of the proposed changes. It emphasizes the need for continued collaboration and communication between all stakeholders to ensure the successful implementation of the proposed changes.





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3. The third part of the document provides a summary of the findings and conclusions. It reiterates the key points discussed in the previous sections and emphasizes the importance of continued monitoring and evaluation. This section also includes recommendations for future actions and a timeline for the next steps.

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2. In the second section, the author addresses the challenges associated with data management and storage. It highlights the need for secure and scalable solutions to handle large volumes of information. The text also touches upon the importance of data privacy and the potential risks of data breaches, urging organizations to adopt best practices for data protection.

3. The third part of the document focuses on the role of technology in modern business operations. It explores how digital tools and platforms can streamline processes, improve efficiency, and facilitate communication. The author notes that while technology offers significant benefits, it also requires a skilled workforce to effectively utilize these tools.

4. The fourth section discusses the importance of continuous learning and professional development. It argues that in a rapidly changing environment, individuals and organizations must stay updated with the latest trends and technologies. The text encourages the adoption of a growth mindset and the pursuit of ongoing education to ensure long-term success.

5. Finally, the document concludes with a call to action, urging all stakeholders to work together to address the challenges and opportunities ahead. It stresses the importance of collaboration and shared responsibility in achieving common goals. The author expresses optimism about the future, provided that the right strategies and mindset are adopted.





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after the election [see also no. 10, "The Cause of the Union"] -  
identical content, and [see also no. 11, "The Cause of the Union"] -  
[see also no. 12, "The Cause of the Union"] - less conservative quarters  
of the Union. The conviction undoubtedly prevailed that  
the necessity for preserving the Union overbalanced the evils  
to be apprehended from the powers of a president elected  
on sectional lines. <sup>(1)</sup> They must defend their position as  
the cause of the Union; but, at the same time, they felt they  
must not injure a cause capable of the best defences, and  
admitted to be in peril, by taking counsel of passion rather  
than wisdom. They preferred to admit the action of the  
new president, and to make no objection to acts only if they  
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(1) Cf. Letter of Wm. L. G. [unclear], Standard, Nov. 14, 1860.



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2. The second part of the document focuses on the implementation of the proposed changes. It details the steps involved in the rollout process, from initial planning to final execution. This section also addresses potential challenges and provides strategies to overcome them, ensuring a smooth transition to the new system.

3. The third part of the document discusses the long-term impact of the changes. It highlights the expected benefits, such as improved efficiency and cost savings, and provides a timeline for when these benefits are anticipated to be realized. This section also includes a summary of the key findings and recommendations for future work.



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$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$
 for  $x \in \mathbb{R}$ . It is shown that  $f(x)$  is an odd function and that  $f(x) \in C^\infty(\mathbb{R})$ . Moreover, it is proved that  $f(x)$  is a bounded function on  $\mathbb{R}$  and that  $f(x) \rightarrow 0$  as  $|x| \rightarrow \infty$ .

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- (1) On the other hand, it is well known that the function  $f(x)$  defined by the equation
 
$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$
 is a bounded function on  $\mathbb{R}$  and that  $f(x) \rightarrow 0$  as  $|x| \rightarrow \infty$ .







recovered









1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's annual message to Congress, which is a key part of the executive branch's communication with the legislative branch.

2. The second part of the document is a report from the Secretary of the Interior, dated January 10, 1862. It is a very important document, as it contains the Secretary's annual report to the President, which is a key part of the executive branch's communication with the President.

3. The third part of the document is a report from the Secretary of the Treasury, dated January 15, 1862. It is a very important document, as it contains the Secretary's annual report to the President, which is a key part of the executive branch's communication with the President.

4. The fourth part of the document is a report from the Secretary of the War, dated January 20, 1862. It is a very important document, as it contains the Secretary's annual report to the President, which is a key part of the executive branch's communication with the President.

5. The fifth part of the document is a report from the Secretary of the Navy, dated January 25, 1862. It is a very important document, as it contains the Secretary's annual report to the President, which is a key part of the executive branch's communication with the President.

6. The sixth part of the document is a report from the Secretary of the State, dated January 30, 1862. It is a very important document, as it contains the Secretary's annual report to the President, which is a key part of the executive branch's communication with the President.

7. The seventh part of the document is a report from the Secretary of the War, dated February 5, 1862. It is a very important document, as it contains the Secretary's annual report to the President, which is a key part of the executive branch's communication with the President.

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Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair, viewing a video screen. The screen displays a target (a small circle) and a starting point (a small circle). The subject's hand is positioned at the starting point. The distance between the starting point and the target is 10 cm. The subject is instructed to move their hand from the starting point to the target. The video screen is positioned 40 cm from the subject's hand. The subject's hand is positioned at the starting point. The distance between the starting point and the target is 10 cm. The subject is instructed to move their hand from the starting point to the target. The video screen is positioned 40 cm from the subject's hand.

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2. The second part of the paper discusses the role of the government in the development of the United States. It is argued that the government has played a central role in the history of the country, and that it is important to understand the role of the government in the development of the nation. The author points out that the government has been responsible for the creation of the Constitution, the establishment of the federal government, and the development of the country. The author also discusses the role of the government in the development of the economy, and the importance of the government in the development of the country. The author concludes that the government has played a central role in the history of the United States, and that it is important to understand the role of the government in the development of the nation.

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(1) ... .., Hinton ... .., "The ... ..  
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(2) ... .., March 20, 1941.

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1. The first of these is

the fact that the victim was a woman of good character.

2. The second is the fact that the victim was a woman of good character.

3. The third is the fact that the victim was a woman of good character.

4. The fourth is the fact that the victim was a woman of good character.

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11. The eleventh is the fact that the victim was a woman of good character.

12. The twelfth is the fact that the victim was a woman of good character.

13. The thirteenth is the fact that the victim was a woman of good character.

14. The fourteenth is the fact that the victim was a woman of good character.

15. The fifteenth is the fact that the victim was a woman of good character.

16. The sixteenth is the fact that the victim was a woman of good character.

17. The seventeenth is the fact that the victim was a woman of good character.

18. The eighteenth is the fact that the victim was a woman of good character.

19. The nineteenth is the fact that the victim was a woman of good character.

20. The twentieth is the fact that the victim was a woman of good character.





Q. L.







1872-1873



(1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)





1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) under the conditions (2).

2. In the second part, we consider the case of a linear system of equations (1) with constant coefficients. We show that the system has a solution if and only if the determinant of the matrix of coefficients is not equal to zero.

3. In the third part, we consider the case of a nonlinear system of equations (1). We show that the system has a solution if the matrix of coefficients is invertible and the right-hand side of the system is a continuous function of the variables.

4. In the fourth part, we consider the case of a system of equations (1) with a variable coefficient. We show that the system has a solution if the coefficient is a continuous function of the variables and the right-hand side of the system is a continuous function of the variables.

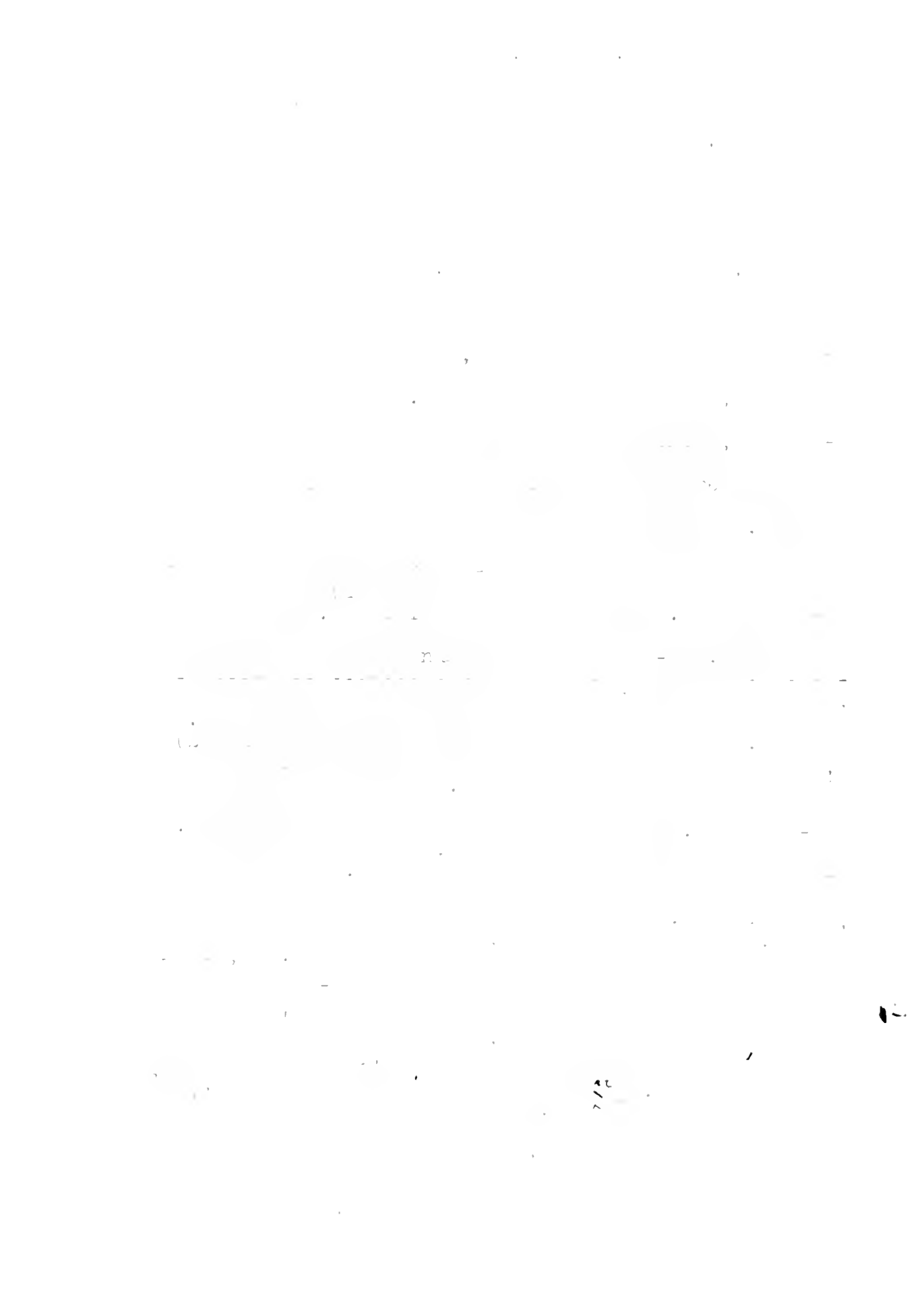
5. In the fifth part, we consider the case of a system of equations (1) with a variable coefficient and a variable right-hand side. We show that the system has a solution if the coefficient and the right-hand side are continuous functions of the variables.

6. In the sixth part, we consider the case of a system of equations (1) with a variable coefficient and a variable right-hand side. We show that the system has a solution if the coefficient and the right-hand side are continuous functions of the variables.











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### Conclusion.

From the foregoing study the writer feels that the following conclusions may be justly drawn:-

First: that North Carolina entered the federal Union in the belief that the act by which she ratified the Constitution did not divest her of sovereignty. The theory obtained that sovereignty was divisible and that the federal government was the agent of the federated states empowered to exercise their sovereign powers to the extent granted by the constitutional compact.

Second: that the slight jealousy manifested for state sovereignty by North Carolina during the first fifty years of union was due not to a change of theory but to a growing sense of appreciation of the benefits derived from the work of the agent, a government which should be loyally supported as long as its controlling principle was a just preservation of the line of demarkation between the powers delegated to it and those retained by the states.

Third: that during the Whig regime in the state from 1835 to 1850 the first indications appeared of the growth of a true national spirit. This spirit, though weak in the first years of its existence and confined to the portion of the state which was less influenced by slavery,



really interpreted the constitution as having created not a federal compact of sovereign States, but an indissoluble national unity.

Fourth: that though this spirit of nationalism grew apace under pressure of fear for the Union aroused by the slavery agitation from 1850 to 1860 it never became strong enough to successfully combat the states rights' forces which were united in defense both of slavery and the principle upon which they conceived the Union to be founded.

Fifth: that a majority even of those who believed in the compact theory went out of the Union in 1861 reluctantly, under pressure of rushing events, influenced by a common interest with the slave states, and in the belief that secession, though now inevitable was too hastily adopted as a remedy for the grievances of the South.



Sources used in the preparation of this Study.

Manuscripts -

- 1 Executive Letter-Books, 1776-1861.
- 2 Files in Secretary of State's Office, containing memorials, petitions to the Legislature, correspondence of U.S.Senators Representatives with the Assembly, and private correspondence of State Officials.
- 3 Jonathan Worth's Manuscripts.

Printed Sources -

- 1 Journals of the North Carolina Senate.
- 2 Journals of the North Carolina House of Commons.
- 3 Journal of the North Carolina Convention of 1788.
- 4 Journal of the North Carolina Convention of 1789.
- 5 Journal and Debates of the Convention of 1835.
- 6 Journal of the North Carolina Secession Convention 1861.
- 7 Laws of North Carolina from 1776 to 1861.
- 8 Life and Correspondence of James Iredell, McRee, 2 vols., 1857.
- 9 Wheeler, J. H. Personal Memoirs, 1884.
- 10 Wheeler, J. H. Materials for N. C. History, 2 vols. 1851.
- 11 Foote, W. H. Sketches of North Carolina, 1846.
- 12 Speeches and Writings of Thomas L. Clingman, 1877.
- 13 Benton, T. H. Thirty-Year View.
- 14 Stephens, A.H. War Between the States.
- 15 President Davis, Rise and Fall of the Confederacy.
- 16 Reichel, Levin T. The Moravians in North Carolina, 1857.
- 17 Lannan, Charles. Letters from the Alleghany Mountains 1 vol., New York, 1849.
- 18 Spencer, Mrs. Cornelia Phillips, The Last Ninety Days of the War in North Carolina, 1866.
- 19 Land We Love (Magazine), Charlotte, N. C., 1866-1869.
- 20 N. C. University Magazine, 1844, et. seq.,





Newspapers -

- 1 Niles' Register, 1811-1836.
- 2 Carolina Watchman (Whig)
- 3 Fayetteville Observer, (Whig)
- 4 Greensboro Patriot, (Whig)
- 5 Hillsboro Recorder, (Whig)
- 6 North Carolina Standard, (Dem.)
- 7 Raleigh Register, 1791-1861, (Anti-Federalist - Republican - Whig - Democrat).
- 8 Raleigh Star, (Federalist - Whig - Democrat).
- 9 Wilmington Herald, (Dem.)
- 10 Wilmington Daily Journal (Republican- Democrat).
- 11 Western Carolinian, (Whig).
- 12 Newberne Centinel (Dem.)



## VITA.

Henry McGilbert Wagstaff was born in Person county, North Carolina, February 27, 1876. After rudimentary training in the public schools he entered the High School at Roxboro, North Carolina, and remained two years. In 1895 he entered the freshman class at the University of North Carolina and graduated June, 1899, with the degree Ph.B. The following year he taught general subjects in the High School at East Bend, North Carolina. The two following years he taught Mathematics in Rutherford College, North Carolina and in October, 1902, he entered the Johns Hopkins University, taking up the work in History, Political Economy and Political Science. In June, 1903, he was awarded a Fellowship in History.















